APPEAL NO. 032606
FILED NOVEMBER 20, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing (CCH) was held on September 2, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) _____ compensable knee injury does not extend to a medial meniscus tear to the left knee and that the claimant had disability from November 18 through December 31, 2002. The claimant appealed, disputing the extent-of-injury determination and arguing that her disability continued after December 31, 2002. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant attached a document to her appeal, which was not admitted into evidence at the hearing. Documents submitted for the first time on appeal are generally not considered unless they constitute newly discovered evidence. *See* generally Texas Workers' Compensation Commission Appeal No. 93111, decided March 29, 1993; Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ). In determining whether new evidence submitted with an appeal requires remand for further consideration, the Appeals Panel considers whether the evidence came to the knowledge of the party after the hearing, whether it is cumulative of other evidence of record, whether it was not offered at the hearing due to a lack of diligence, and whether it is so material that it would probably result in a different decision. *See* Texas Workers' Compensation Commission Appeal No. 93536, decided August 12, 1993. Upon our review, we cannot agree that the evidence meets the requirements of newly discovered evidence and it will not be considered.

The claimant testified that she was employed as a machine operator for the employer and that she fell in the parking lot after the end of her shift. The parties stipulated that the carrier accepted liability for an injury to the claimant that occurred on or about _____. The claimant contends that her compensable injury extends to a meniscus tear of the left knee and that she had disability from November 18, 2002, through the date of the CCH. Conflicting medical opinions, as well as other conflicting evidence, were presented at the CCH.

The hearing officer did not err in determining that the compensable injury did not extend to a medial meniscus tear to the left knee, and that the claimant had disability from November 18 through December 31, 2002. Those determinations presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Insurance

Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record reveals that the hearing officer's extent-of-injury and disability determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse the challenged determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986)

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **HARTFORD UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.

_____
Margaret L. Turner
Appeals Judge

CONCUR:

_____
Chris Cowan
Appeals Judge

_____
Robert W. Potts
Appeals Judge