

APPEAL NO. 040578
FILED APRIL 26, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 9, 2004. The record closed February 10, 2004. The hearing officer determined that the _____, compensable back injury of appellant (claimant) does not include any injury to the right upper extremity and that claimant had disability from November 13 through December 15, 2002. Claimant appealed these determinations on sufficiency grounds. Claimant also asserts that the hearing officer erred in: (1) listing the exhibits; (2) failing to consider the evidence or misinterpreting the evidence; (3) admitting and excluding exhibits; (4) making a determination regarding the onset of symptoms that is not supported by the record; and (5) discussing when claimant reached maximum medical improvement. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order. Claimant filed an objection to carrier's response that was not timely as an appeal.

DECISION

We affirm.

Claimant attached documents to her appeal that were not admitted at the hearing. Documents submitted for the first time on appeal are generally not considered unless they constitute admissible, newly discovered evidence. We conclude that these attachments to claimant's appeal do not meet the requirements of newly discovered evidence necessary to warrant a remand. Having reviewed the documents, we conclude that admission on remand would not result in a different decision. 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).

We have reviewed the complained-of determinations regarding extent of injury and disability and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We have also reviewed claimant's other assertions regarding hearing officer conduct, alleged procedural irregularities, alleged errors in the admission and exclusion of evidence, and alleged errors in the Statement of the Evidence, and we conclude that no reversible error is shown by the record.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge