

APPEAL NO. 041003
FILED JUNE 24, 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 November 18, 2003, and April 6, 2004. The hearing officer determined that appellant (claimant) reached maximum medical improvement on March 3, 2003, with an impairment rating (IR) of five percent, in accordance with the March 3, 2003, report of the designated doctor. Claimant appealed these determinations on sufficiency grounds. Claimant also attached to his appeal evidence that was not admitted at the hearing and contends that they should be considered on remand. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant attached documents to his 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. Claimant said the document, which was dated February 12, 2004, was sent to him. He did not say he did not receive it or that he was not aware of it at the April 2004 hearing. Because claimant could have offered it at the hearing and did not, we cannot say that a remand is called for in this case. 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).

Claimant complains that the designated doctor improperly considered the extent of the injury in this case in determining the IR. We perceive no reversible error. See Texas Workers' Compensation Commission Appeal No. 992337, decided December 6, 1999. We have reviewed the complained-of determinations 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 affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **UNIVERSAL UNDERWRITERS OF TEXAS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE
800 BRAZOS, SUITE 330, ONE COMMODORE PLAZA
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge