

APPEAL NO. 041247
FILED JULY 8, 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 5, 2003, and April 29, 2004. The hearing officer decided that the (appellant) claimant did not sustain a compensable injury on _____, and did not have disability. The claimant appeals these determinations essentially on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

Affirmed as reformed.

The claimant attached additional documents to his appeal in support of his position. 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). Upon our review, the documents offered are not so material as to produce a different result, nor is it shown that the documents could not have been obtained prior to the hearing below. The additional documents, therefore, do not meet the requirements for newly discovered evidence and will not be considered on appeal.

The hearing officer did not err in determining that the claimant did not sustain a compensable injury on _____, and did not have disability. These determinations involved 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)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are 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).

Although not raised by the parties, we reform the hearing officer's decision by adding the following conclusions of law, consistent with the hearing officer's findings of fact:

CONCLUSIONS OF LAW

1. The Texas Workers' Compensation Commission had jurisdiction to hear this case.

2. Venue was proper in the Houston Field Office.
3. The claimant did not sustain a compensable injury on _____.
4. The claimant has not had disability.

The decision and order of the hearing officer is affirmed as reformed.

The true corporate name of the insurance carrier is **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

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

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge