

APPEAL NO. 950322

Pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), a contested case hearing was held in (city), Texas, on September 22, 1994, (hearing officer) presiding as hearing officer. Because the hearing officer left the employ of the Texas Workers' Compensation Commission (Commission), the decision in the case was filed by hearing officer (hearing officer) on January 26, 1995. The hearing officer determined that the appellant's (claimant) right shoulder problem is not a result of her compensable injury of (date of injury). The claimant appeals stating there was documented medical evidence which supports her claim regarding the shoulder injury but that her attorney did not present that record. The respondent (carrier) urges that the decision be affirmed pointing out that there was no evidence to support the claimant's position, that the medical evidence established that the shoulder was not related to the (date of injury), injury and that new evidence cannot be submitted on appeal even if the claimant had offered such a document.

DECISION

Affirmed.

The claimant sustained a compensable injury to her hand when it got caught in a storage door. She received medical and income benefits as a result of that injury. No shoulder injury was reported and nothing was apparently mentioned in medical records about a shoulder problem until sometime in April. In any event, the claimant presented no evidence to tie in her shoulder problem to the compensable injury, she and her attorney agreed at the contested case hearing that the shoulder was not a part of the (month) hand injury and the carrier introduced medical records of a Commission- selected designated doctor and one of the claimant's treating doctors who indicated that the shoulder problem was not the result of the (date of injury), injury. Under this state of the evidence and record, there is simply no basis to disturb the findings, conclusions and decision of the hearing officer. Clearly, there is evidence which sufficiently supports the decision. The claimant has not met her burden of proof that she sustained a compensable shoulder injury. Reed v. Aetna Casualty & Surety Co., 535 S.W.2d 377 (Tex. Civ. App.-Beaumont 1976, writ ref'd n.r.e.). Accordingly the decision and order are affirmed.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge