

APPEAL NO. 030461
FILED APRIL 2, 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 was held on January 9, 2003. The appellant (claimant) appeals the hearing officer's determinations that the claimant's compensable injury of _____, does not extend to or include degenerative disc disease and that the claimant has sustained no disability. The claimant also, attaches new documents to his appeal and requests, for the first time on appeal, reimbursement for his medical expenses. The respondent (carrier) files a response, contending that the claimant's appeal is untimely, objecting to the new evidence attached to the claimant's appeal, and otherwise urging affirmance. The hearing officer's determination that the claimant's compensable injury extends to and includes a disc bulge at the L5-S1 spine level has not been appealed.

DECISION

Affirmed.

We will address the procedural points first. After review of the file, we are satisfied that the claimant's request for appeal was timely filed with the Texas Workers' Compensation Commission. As for the new documents attached to the appeal and the claimant's request for reimbursement of medical expenses, we note that this was not presented to the hearing officer. 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 have resulted 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). Regarding the claimant's request for reimbursement of medical care expenses, we note that it is well-settled that the Appeals Panel is limited to issues developed below and that we will not consider an issue raised for the first time on appeal. Texas Workers' Compensation Commission Appeal No. 011288, decided July 19, 2001.

Whether the claimant's _____, compensable injury extends to and includes degenerative disc disease and whether the claimant had disability as a result of the compensable injury presented questions of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Nothing in our review of the record reveals that the hearing officer's determination is so contrary to 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 that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE
800 BRAZOS
AUSTIN, TEXAS 78701.**

Roy L. Warren
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge