

APPEAL NO. 93808

This appeal arises under the Texas Workers' Compensation Act, TEX. LAB. CODE. § 401.001 *et seq.* (1989 Act). A contested case hearing was held in (city), Texas, on June 18, 1993, to determine the following issues: whether the claimant has reached maximum medical improvement (MMI) and, if so, on what date; what is the correct impairment rating; whether the claimant has disability from August 6, 1992, due to an injury sustained in the course and scope of employment; and who is the claimant's correct treating doctor. The claimant, who is the appellant in this action, appeals the determination of hearing officer (hearing officer) that claimant reached MMI on April 13, 1992, with a six percent impairment rating, as found by the designated doctor. Claimant basically disputes the hearing officer's reliance on the report of the designated doctor because that doctor originally did not use the correct version of the American Medical Association's Guides to the Evaluation of Permanent Impairment, and because, claimant contends, the option of surgery is still under consideration. The respondent, who is the carrier, contends that the hearing officer correctly accorded presumptive weight to the determination of the hearing officer.

DECISION

Because the tapes which recorded the proceedings below had a significant portion which was blank, we reverse and remand for suitable reconstruction of that portion of the hearing, so that the Appeals Panel can consider the record developed at the contested case hearing. See Section 410.203(a)(1).

The case is reversed and remanded for an expedited proceeding to reconstruct a complete record of the hearing or, at the option of the parties, use of any acceptable method such as stipulations of the parties. Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's division of hearings, pursuant to Section 410.202. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

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Lynda H. Nesenholtz  
Appeals Judge

CONCUR:

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Stark O. Sanders, Jr.  
Chief Appeals Judge

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Joe Sebesta  
Appeals Judge