

APPEAL NO. 93832

This appeal arises under the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act) (formerly V.A.C.S., Article 8308-1.01 *et seq.*). A contested case hearing was held in (city), Texas, on August 10, 1993. In response to the contested issue, hearing officer (hearing officer) determined that the appellant, hereinafter claimant, failed to prove by a preponderance of the evidence that she notified her employer not later than the 30th day after the date she knew or should have known that her repetitive trauma injury may have been related to her employment and that she further failed to establish good cause that would excuse the timely reporting of this injury. The claimant appeals, contending in essence that the hearing officer's findings and conclusions are not supported by the evidence. The respondent, who is the carrier, contends that the hearing officer's decision should be affirmed.

DECISION

Because the tapes which recorded the proceedings below are missing from the record entirely, we reverse and remand for reconstruction of the record, so this panel can fully 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. 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.

Lynda H. Nesenholtz
Appeals Judge

CONCUR:

Stark O. Sanders, Jr.
Chief Appeals Judge

Susan M. Kelley
Appeals Judge