

APPEAL NO. 960036  
FILED FEBRUARY 20, 1996

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On October 25, 1995, a hearing was held in \_\_\_\_\_, Texas, with \_\_\_\_\_ presiding. He determined that appellant (claimant) sustained a compensable injury to his back but did not timely report it to his employer without good cause. Claimant asserts that he had good cause for delay in notification. Respondent (carrier) replies that the decision should be affirmed.

DECISION

We reverse and remand.

The appeals file contains two audio tapes; the first was audible; the second may have one word on it and then becomes blank. As a result, a record is not available for review. See Section 410.203(a)(1). Reconstruction of the record may be provided by including an audible second tape if one is available, by a statement or summary of facts agreed to by the parties and the hearing officer, or by testimony and argument at a hearing on remand.

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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Joe Sebesta  
Appeals Judge

CONCUR:

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Stark O. Sanders, Jr.  
Chief Appeals Judge

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Lynda H. Nesenholtz

Appeals Judge