

APPEAL NO. 000777

This appeal arises pursuant to the Texas Workers= Compensation Act, TEX. LAB. CODE ANN. ' 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 9, 2000. The hearing officer determined that the issues of maximum medical improvement (MMI) and impairment rating (IR) are not ripe for adjudication; that the first assigned MMI date and IR had not become final pursuant to Tex. W.C. Comm=n, 28 TEX. ADMIN. CODE ' 130.5(e) (Rule 130.5(e)); and that respondent-s (claimant) date of MMI is December 20, 1997, and his IR is 17%, unless either party requests a designated doctor. The appellant (carrier) appealed, asserting that the first assigned MMI date and IR assigned by Dr. M had become final pursuant to Rule 130.5(e) as not having been timely disputed. Carrier requests that we reverse the hearing officer-s decision and render a decision in its favor. The appeal file does not contain a response from the claimant.

DECISION

Because the record of the proceedings and the evidence considered have not been received, although requested, and there is no record to review pursuant to Section 410.203, we reverse and remand.

The Appeals Panel cannot render an informed decision in this case on the merits of the appeal without a complete record of the proceedings, evidence, and decision. Accordingly, the decision and order of the hearing officer are reversed and the case remanded for reconstruction of the record or the forwarding of the CCH record if it can be located. At such time, the parties should be advised that a new decision has been rendered or the decision has been reissued and that any appeal or response must be reasserted and filed in the case, if desired. Texas Workers' Compensation Commission Appeal No. 961101, decided July 19, 1996.

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.

Thomas A. Knapp
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Tommy W. Lueders
Appeals Judge