

APPEAL NO. 000987

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 April 6, 2000. The hearing officer determined that the appellant (claimant) did not suffer an injury in the course and scope of her employment on _____, in that she fainted as a result of her pregnancy and not due to any instrumentality of the employer; that the claimant has not had disability; that the respondent (carrier) is not relieved of liability pursuant to Section 409.002 or 409.004; that the claimant's injury does not extend to or include an injury of the lumbar spine; and that the carrier did not waive the right to contest compensability of this claim.

The claimant appealed by arguing facts in favor of finding for the claimant. The claimant states that it cannot be determined from the order if the hearing officer decided that she was not injured, but that such a finding would be against the great weight and preponderance of the evidence. The carrier responded that the decision should be affirmed.

DECISION

Except for a few seconds on the first side of the first tape, the tape-recorded record of this hearing is blank. There was regrettably no court reporter arranged by either party and, consequently, the Appeals Panel is unable to review the testimony of the parties.

We remand for purposes of reconstructing the record.

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.

Susan M. Kelley
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge