

APPEAL NO. 001399

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 May 18, 2000. The hearing officer determined that: (1) the appellant (claimant) did not sustain a compensable occupational disease injury; (2) claimant did not timely report his injury; and (3) claimant did not have disability. Claimant appeals, contending that his testimony, his transcribed recorded statement, and the medical evidence established that he met his burden on the issues. Respondent self-insured (carrier) responds that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We reverse and remand.

Regrettably, the audiotape of the hearing is distorted such that it is inaudible and we must remand.

We reverse the hearing officer's decision and remand for reconstruction of the record.

Judy L. Stephens
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Tommy W. Lueders
Appeals Judge