

APPEAL NO. 001507  
FILED AUGUST 10, 2000

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 June 12, 2000, in \_\_\_\_\_, Texas, with \_\_\_\_\_ presiding as hearing officer. She determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that he timely reported the claimed injury; and that he did not have disability. The claimant appeals the adverse determinations, expressing his disagreement with them. The respondent (self-insured) replies that the decision is correct, supported by sufficient evidence, and should be affirmed.

DECISION

Reversed and remanded for a suitable reconstruction of the record.

The appeals file contains one audiotape. The entire first side is blank. The second side is audible; it begins during the examination of the carrier's witness and proceeds to the end of the CCH. Pursuant to Section 410.203, the Appeals Panel is required to consider the record developed at the CCH. Because a substantial portion of the record, including all of the claimant's testimony, is not available to us, we reverse and remand the decision and order of the hearing officer for a reconstruction of the record and reissuance of the decision and order. The reconstruction may be by any means acceptable to the parties.

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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Alan C. Ernst  
Appeals Judge

CONCUR:

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Tommy W. Lueders  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge