

APPEAL NO. 001518

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 7, 2000, with the record closing on June 9, 2000. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 12th quarter. The appellant (carrier) appealed the four findings of fact regarding direct result and good faith effort and the conclusion of law that the claimant was entitled to SIBs for the 12th quarter on the grounds of sufficiency of the evidence and argued that the claimant failed to satisfy all three prongs of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(3) (Rule 130.102(d)(3)) regarding her ability to work. The claimant replied that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

Reversed and remanded.

Section § 410.201(a)(1) and (3) provide that an Appeals Panel shall consider the record developed at the CCH and may reverse the decision and remand the case to the hearing officer for further consideration and development of evidence. Unfortunately, the hearings file has not been found in order to review the record developed at the CCH. Therefore, circumstances dictate that the matter be remanded to the Field Office to schedule another CCH on an expedited basis pursuant to Section § 410.201(d) which requires that the case be accelerated and given priority over other proceedings.

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.

Kathleen C. Decker
Appeals Judge

CONCUR:

Alan C. Ernst
Appeals Judge

Gary L. Kilgore
Appeals Judge