

APPEAL NO. 002032

This appeal is brought 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 August 9, 2000. The Decision and Order states that the appellant (claimant) and the respondent (carrier) stipulated that on _____, the claimant sustained a compensable injury to his cervical spine, thoracic spine, and left shoulder and that the hearing officer determined that the compensable injury does not extend to the claimant's lumbar spine and that he did not have disability from January 3, 2000, through the date of the CCH. The claimant appealed, stated that the Decision and Order of the hearing officer concerns another CCH and is not related to Docket No. 1, and requested that the decision of the hearing officer be reversed. The carrier responded; stated that after learning of the mistake, the attorney for the carrier contacted the Texas Workers' Compensation Commission (Commission) and advised that agency of the error; that an amended or reformed Decision and Order has not been received; opined that this is not a mere clerical error in an existing document, but the lack of a document in its entirety; and requested that appropriate action to be taken so that a correct Decision and Order will be submitted.

DECISION

We reverse and remand.

The report of the benefit review conference dated June 5, 2000, indicates that the unresolved issues are:

Did the Claimant sustain a compensable injury, in the form of an occupational disease, on _____ [Should have been with a date of injury of _____.]?

Is the Carrier relieved of liability under TEX. LABOR CODE ANN. 409.002 because of the Claimant's failure to timely notify his employer pursuant to 409.001?

Does the Claimant have disability from 1/3/00 through the present as a result of the injury sustained on _____ [Should have been with a date of injury of _____.]?

It is clear that the Decision and Order does not resolve those disputed issues. The parties have not indicated that they have received an amended or reformed Decision and Order that resolves those disputed issues. The Appeals Panel has not received such an order. The parties did not receive a Decision and Order that resolves those disputed issues with which they could state their agreement or disagreement. We reverse and remand for the hearing officer to issue a Decision and Order that resolves the disputed issues.

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 Commission's Division of Hearings, pursuant to Section 410.202. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

Tommy W. Lueders
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Philip F. O'Neill
Appeals Judge