

APPEAL NO. 002335

Following a contested case hearing (CCH) held on September 7, 2000, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer, resolved the disputed issue by determining that the respondent (claimant) had sustained a compensable injury on _____, and had disability resulting from that injury. The appellant (carrier) appealed, asserting that the hearing officer's decision was against the great weight and preponderance of the evidence. The claimant responded, requesting that the hearing officer's decision be affirmed.

DECISION

Reversed and remanded for reconstruction of the CCH record.

Section 410.203(a) provides that the Appeals Panel shall consider the record developed at the CCH, the written request for appeal, and the response. The appeals file contains the exhibits admitted at the CCH and a tape of the testimony adduced during the CCH. Unfortunately, the first side of the tape of the testimony is inexplicably blank. Because the Appeals Panel has not been provided with the complete CCH record, the case is remanded to the hearing officer to reconstruct the CCH 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.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Kathleen C. Decker
Appeals Judge

Robert W. Potts
Appeals Judge