

APPEAL NO. 002489

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 October 4, 2000. The issues at the CCH were whether the respondent (claimant) was entitled to supplemental income benefits (SIBs) for the fifth, sixth, and seventh quarters and whether the claimant had permanently lost entitlement to SIBs because she was not entitled to SIBs for a consecutive 12-month period pursuant to Section 408.146(c). The hearing officer determined that the claimant was not entitled to SIBs for the fifth quarter but was entitled to SIBs for the sixth and seventh quarters. The hearing officer also determined that the claimant had not permanently lost entitlement to SIBs.

The appellant (carrier) appealed the hearing officers' determination that the claimant was entitled to SIBs for the sixth quarter contending that the claimant failed to prove that she was employed for the entire quarter or that she searched for work each week of the qualifying period, and also contending that the claimant self-restricted her employment during the qualifying period to part-time work when there was no doctor restriction limiting her to part-time work. The appeals file does not contain a response from the claimant.

DECISION

Reversed and remanded.

Regrettably, the audiotape of the hearing is blank. Also, there is no finding this was a compensable injury. We must remand.

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

Kathleen C. Decker
Appeals Judge

CONCUR:

Kenneth A. Hutchton
Appeals Judge

Philip F. O'Neill
Appeals Judge