

APPEAL NO. 002563

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On September 19, 2000, a contested case hearing (CCH) was held. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease on _____, and that the claimant has not had disability. The claimant appealed. The respondent (carrier) responded.

DECISION

Reversed and remanded for reconstruction of the CCH record.

Section 410.202(a) provides that the Appeals Panel shall consider the record developed at the CCH, the written request for appeal, and the response. The audiotape of the CCH that was sent to the Appeals Panel is blank. The hearing officer's decision does not indicate that there was a court reporter at the CCH. 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.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Judy L. Stephens
Appeals Judge