

APPEAL NO. 002676

Following a contested case hearing held on October 24, 2000, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury on _____, which extended to her cervical, thoracic, and lumbar spine; a bilateral shoulder strain; and a bilateral wrist strain; and that the claimant had disability resulting from the compensable injury beginning on June 15, 2000, and continuing through the date of the hearing. It is noted that the Statement of the Evidence and the appellant's (self-insured) appeal both indicate a beginning date of disability of May 15, 2000, and that the June 15, 2000, date is, in all likelihood, a typographical error. The self-insured appealed, asserting that the hearing officer's decision is against the great weight of the evidence. There was no response from the claimant found in the file.

DECISION

Reversed and remanded for reconstruction of the record.

The record includes two audiotapes. Although evidence was adduced at the hearing and the evidence was recorded, the recording of the hearing is so faint as to be unintelligible. We, therefore, do not have a useable recording of the preliminary proceedings, any opening statements, admission of exhibits, testimony (the decision indicates that the claimant and another witness called by the self-insured testified), or arguments of counsel. We reverse and remand the decision of the hearing officer for a reconstruction of the record which may consist of obtaining a transcript of the faint tapes or a useable record by any means acceptable to the parties.

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:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge