

APPEAL NO. 002735

Following a contested case hearing (CCH) held on October 19, 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 appellant (claimant herein) did have disability from July 14, 1998, through August 20, 1998, but did not have disability from May 8, 1997, through July 13, 1998. The claimant appeals arguing that the hearing officer's determination that the claimant did not have disability from May 8, 1997, through July 13, 1998, was contrary to the evidence. The respondent (carrier) replies that there was sufficient evidence to support the hearing officer's decision.

DECISION

Because the hearing file has been received, but the record of the proceedings, in the form of a transcript or a tape recording of the CCH, has not been received, although requested, and there is no record to review pursuant to Section 410.203, we reverse and remand.

The Appeals Panel cannot render an informed decision in this case on the merits of the appeal and response without a complete record of the proceedings. Accordingly, the decision and order of the hearing officer are reversed and the case remanded for reconstruction of the record or the forwarding of the CCH record if it can be located. At such time, the parties should be advised that a new decision has been rendered or the decision has been reissued and that any appeal or response must be reasserted and filed in the case, if desired. Texas Workers' Compensation Commission Appeal No. 961101, decided July 19, 1996.

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.

Gary L. Kilgore
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge