

APPEAL NO. 002769

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 30, 2000. The hearing officer determined that appellant (claimant) sustained an injury in the course and scope of her employment; (2) the date of injury is \_\_\_\_\_; (3) claimant did not timely report her injury; and (4) claimant did not have disability. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

Because a complete record of the hearing is not available for our review, we reverse and remand.

The record of this hearing includes three audiotape of the hearing itself. The first tape recording is at a speed which makes what is being said completely unintelligible. The hearing officer's decision indicates that a court reporter was not present at the hearing. We must remand for reconstruction of the record. Texas Workers' Compensation Commission Appeal No. 98576, decided April 30, 1998; Texas Workers' Compensation Commission Appeal No. 982592, decided December 14, 1998 (Unpublished).

We reverse 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.

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Kenneth A. Huchton  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge