

APPEAL NO. 010107

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 December 19, 2000. With respect to the issues before her, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the fifth and sixth quarters. In his appeal, the claimant essentially argues that the hearing officer's determinations that he had some ability to work in the qualifying periods for the fifth and sixth quarters, and that he is not entitled to SIBs for the fifth and sixth quarters, are against the great weight of the evidence. In its response to the claimant's appeal, the respondent (carrier) urges affirmance.

DECISION

We reverse and remand.

Unfortunately, the record for an August 29, 2000, hearing was forwarded to the Appeals Panel instead of the December 19, 2000, hearing which is the subject of this appeal. Accordingly, 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.

Elaine M. Chaney
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge