

APPEAL NO. 010499

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 in two sessions on February 8 and 15, 2001, the record closed on February 15, 2001. With respect to the issue before him, the hearing officer determined that the appellant's (claimant) compensable injury of _____, extends to a thoracic spine injury but does not extend to a cervical spine injury. In her appeal, the claimant asserts error in the determination that the compensable injury does not extend to the cervical spine. In its response to the claimant's appeal, the respondent (carrier) urges affirmance. The carrier did not appeal the determination that the claimant's _____, compensable injury extends to her thoracic spine.

DECISION

We reverse and remand.

The record contains the transcripts from both the February 8 and February 15, 2001, hearings; however, it does not contain the parties' exhibits. Accordingly, we reverse the hearing officer's decision and order and remand for reconstruction of the portion of the record that is missing, namely to obtain the exhibits of 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.

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge