

APPEAL NO. 010754

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 31 and December 5, 2000.

The hearing officer determined that attorney's fees in the amount of \$337.50 were not reasonable and necessary. The appellant appealed the determination on sufficiency grounds. No responses to the appeal were filed.

DECISION

We reverse and remand.

The audiotape recording of the hearing was not included in the record on appeal. Therefore, the record on appeal is incomplete and we cannot review appellant's sufficiency of the evidence contentions. We remand this case for reconstruction or completion of the record. See Texas Workers' Compensation Commission Appeal No. 960968, decided July 3, 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.

We reverse the hearing officer's decision and order and remand this case for completion of the record.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Michael B. McShane
Appeals Judge