

APPEAL NO. 010955
FILED JUNE 11, 2001

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 January 30, 2001, and April 18, 2001. The hearing officer determined that the impairment rating (IR) of the appellant/cross-respondent (claimant) is 14%, as certified by the designated doctor in his report of October 13, 2000. Claimant appealed that determination, contending that the designated doctor, Dr. P, erred in calculating his range of motion loss; that his IR should be 15%, as certified by the designated doctor in a March 2001 amended Report of Medical Evaluation (TWCC-69); and that the hearing officer erred in applying the Guides to the Evaluation of Permanent Impairment, third edition, second printing, dated February 1989, published by the American Medical Association, and in commenting on whether claimant preserved any error regarding rounding. Respondent/cross-appellant (carrier) responded that the Appeals Panel should affirm the hearing officer's determination that claimant's IR is 14%. However, even though carrier agrees that the IR is 14%, in a cross-appeal, it asserts that there was error in the granting of a continuance and in the admission of reports from the designated doctor that are dated after January 30, 2001.

DECISION

We reverse and remand.

In this case, only the audiotape from the April 18, 2001, hearing is contained in the record. We must remand this case so that the audiotape from the January 30, 2001, hearing may be included in the record.

We reverse the hearing officer's decision and order and remand for completion 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.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert E. Lang
Appeals Panel
Judge/Manager