

APPEAL NO. 011164
FILED JUNE 26, 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 (CCH) was held on April 17, 2001. With regard to the only issue before him the hearing officer determined that the appellant's (claimant) lumbar spine injury did not extend to an injury to the right shoulder, cervical spine, thoracic spine, and right hip.

The claimant appeals, asserting that certain medical reports support his position. The respondent (carrier) responds, urging affirmance.

DECISION

Reversed and remanded for reconstruction of the record.

The file forwarded to us for review does not contain the carrier's exhibits which the decision recites are Dr. Fu report and Dr. Fr report. We also note that while the record does contain a benefit review conference report, that report is not marked as Hearing Officer's Exhibit No. 1 as indicated in the hearing officer's decision. Because the record is incomplete, it must be remanded for the addition or reconstruction of the missing exhibits. Section 410.203(a)(1) requires the Appeals Panel to consider "the record developed at the [CCH]." *And see* Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.2(a). *See also* Texas Workers' Compensation Commission Appeal No. 92153, decided May 29, 1992, and cases cited therein.

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.

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge