

APPEAL NO. 011647
FILED AUGUST 09, 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 May 22, 2001, with the record closing on June 5, 2001. The hearing officer held that the appellant (claimant) did not sustain a compensable injury or have disability.

The claimant appeals and asserts error; the respondent (carrier) responds and seeks affirmance.

DECISION

Remanded for reconstruction of the record.

No court reporter was present which would have obviated the need to remand. Regrettably, the tape recording is unintelligible for about 3/4 of the testimony and questions in this case, because there is a roaring on the tape, apparently an equipment-related problem, which renders what can be heard muddy and indistinct, and blots out much of the rest; and also the translator sits closest to the microphone and consequently the overlapping translation blots out much of what is being translated.

We must thus remand to recreate the testimony or for employment of technology which might restore the existing tape recording.

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 (as amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge