

APPEAL NO. 011843  
FILED SEPTEMBER 27, 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 July 10, 2001, with the record closing on July 11, 2001. The hearing officer resolved the disputed issue by determining that the first certification of maximum medical improvement and impairment rating assigned by Dr. S., on April 27, 1999, did not become final under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.5(e) (Rule 130.5(e)). The appellant (self-insured) appealed and there was no response from the respondent (claimant).

DECISION

Reversed and remanded.

Because we have no record of the hearing available for our review, we reverse and remand. Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. We have no record of the CCH available for review. There is no tape, transcript, or exhibits. Accordingly, we reverse and remand this case for reconstruction 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 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge