

APPEAL NO. 012187  
FILED NOVEMBER 7, 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 August 20, 2001. The hearing officer resolved the disputed issues by determining that on \_\_\_\_\_, the claimant sustained a compensable injury to her left knee, and that she had resulting disability from January 17, 2001, through August 20, 2001. The appellant (self-insured) appealed on sufficiency grounds, and there was no response in the file.

DECISION

Because a complete record of the hearing is not available for our review, and the required carrier information form is not in the record, we reverse and remand.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. See Texas Workers' Compensation Commission Appeal No. 91017, decided September 25, 1991. No audiotape recording of the hearing was supplied, making a full and proper review of the record impossible. Accordingly, we reverse and remand this case for reconstruction of the record. See Texas Workers' Compensation Commission Appeal No. 960968, decided July 3, 1996.

Although the hearing officer's decision and order reflects that Hearing Officer Exhibit 2 was admitted, the exhibit is not in the file. On remand, the hearing officer is directed to obtain the carrier information form in compliance with HB2600 which amended Section 410.164, effective June 17, 2001. Section 410.164 was amended by the addition of subsection (c), which provides as follows:

- (c) At each [CCH], as applicable, the insurance carrier shall file with the hearing officer and shall deliver to the claimant a single document stating the true corporate name of the insurance carrier and the name and address of the insurance carrier's registered agent for service of process. The document is part of the record of the contested case hearing.

The hearing officer procedure for implementing this statutory amendment is in the June 19, 2001, Texas Workers' Compensation Commission (Commission) memorandum to hearing officers, and entitled "RE: Required Insurance Carrier Information."

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 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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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Michael B. McShane  
Appeals Judge