

APPEAL NO. 012196
FILED OCTOBER 24, 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 13, 2001. With respect to the issues before her, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability from _____, through the present. In his appeal, the claimant argues that the hearing officer's determinations are not supported by sufficient evidence and are against the great weight and preponderance of the evidence. The respondent (carrier) responds, urging that the hearing officer's decision and order be affirmed in all respects.

DECISION

Reversed and remanded for reconstruction of the record.

The file forwarded to us for review contains only the hearing officer's decision and order, the claimant's request for review, and the carrier's response to the request for review. The entirety of the CCH record is omitted. Because the record is missing, the case must be remanded for the reconstruction of the record. 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:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge