

APPEAL NO. 013178
FILED FEBRUARY 4, 2002

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 November 14, 2001. The hearing officer determined that the respondent's (claimant) compensable (right hand) injury extends to and includes carpal tunnel syndrome of the right hand and that the claimant had disability from _____, through October 31, 2001. An average weekly wage issue was resolved by stipulation.

The appellant (carrier) appealed the extent-of-injury issue, citing the reports of a number of doctors, and the disability issue as being against the great weight of the evidence. The claimant responded, urging affirmance.

DECISION

Reversed and remanded.

The appeal file presented for review consists of the hearing officer's Decision and Order, the carrier's request for review, and the claimant's response. There is no audiotape or transcript of the proceedings nor any of the exhibits. Although the record of the proceedings has been requested, it has not been received.

In that we have no record of proceedings to review, we cannot render a decision on the merits. Accordingly, the decision and order of the hearing officer are reversed and the case remanded for reconstruction of the record or the forwarding of the CCH record if it can be located. At such time, the parties should be advised that a new decision has been rendered or the decision has been reissued and that any appeal or response must be reasserted and filed in the case, if desired. Texas Workers' Compensation Commission Appeal No. 961101, decided July 19, 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. Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government code are not included in the computation of time.

Thomas A. Knapp
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge