

APPEAL NO. 032203
FILED OCTOBER 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing (CCH) was held on July 1, 2003. The hearing officer decided that the appellant's (claimant) compensable injury of _____, does not extend to include the claimant's tremor or movement disorder; and that the claimant is not entitled to supplemental income benefits (SIBs) for the third, fourth, and fifth quarters; and that the respondent (carrier) did not waive the right to contest compensability of the claimed injury by not timely contesting the extent of injury. The claimant contends that the hearing officer erred in her determinations that the claimant's compensable injury does not include her tremor or movement disorder; that she is not entitled to SIBs for the third, fourth, and fifth quarters; and that the carrier did not waive its right to contest compensability of the claimed injury by not timely contesting the extent of injury. Carrier responds, urging affirmance.

DECISION

Reversed and remanded.

The record of the proceedings was contained on three audiotapes. The first audiotape was audible but the second audiotape was not audible. Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. See Texas Workers' Compensation Commission Appeal No. 93809, decided October 25, 1993. Because the second audiotape was inaudible, we are unable to properly review the record. Accordingly, we must remand the case for reconstruction of the record.

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 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **VALLEY FORGE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge