

APPEAL NO. 033237  
FILED FEBRUARY 3, 2004

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 21, 2003. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to include ulcerative esophagitis. The claimant appeals, contending that his compensable injury does include ulcerative esophagitis. The respondent (carrier) asserts that the claimant failed to meet his burden of proof and that the evidence supports the hearing officer's decision.

DECISION

Reversed and remanded for reconstruction of the CCH record.

Section 410.203(a)(1) provides that the Appeals Panel shall consider the record developed at the CCH. We understand that the CCH record in this case was sent from the Texas Workers' Compensation Commission's (Commission) field office to the Commission's central office, but it never arrived at the central office. The carrier attached to its response a copy of the court reporter's transcript of the CCH. However, we do not have any of the exhibits that were admitted at the CCH. Since Section 410.203(a)(1) directs that the Appeals Panel shall consider the record developed at the CCH, we must remand the case to the hearing officer for reconstruction of the CCH 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 Commission's Division of Hearings, pursuant to Section 410.202, as amended effective June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of time in which a request for appeal or a response must be filed.

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

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

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Robert W. Potts  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Chris Cowan  
Appeals Judge