

APPEAL NO. 033249
FILED FEBRUARY 5, 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 18, 2003. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) had disability from May 29, 2003, through the date of the CCH. The appellant (carrier) appeals, contending that the hearing officer's decision is supported by insufficient evidence, or, alternatively, is contrary to the great weight and preponderance of the evidence. The claimant asserts that sufficient evidence supports the hearing officer's decision and requests affirmance.

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 was sent from the Texas Worker's Compensation Commission's (Commission) field office to the Commission's central office, but it never arrived at the central office. Because Section 410.203(a)(1) directs that the Appeals Panel shall consider the CCH record, and there is no CCH record for us to review, we must remand the case to the hearing officer for the hearing officer to reconstruct 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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS STREET, SUITE 750
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Chris Cowan
Appeals Judge