

APPEAL NO. 033297
FILED FEBRUARY 2, 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 was held on November 19, 2003. The hearing officer determined that the appellant's (claimant) _____, compensable injury does not include a left inguinal hernia. The claimant appeals this determination. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

Reversed and remanded.

The evidence reflects that the claimant sustained a compensable lumbar and right inguinal hernia injury on _____. The claimant initially sought treatment from a clinic on September 20, 2000, although those records are not in evidence. The examining doctor at the clinic apparently determined that the claimant needed to be transferred to a hospital via ambulance. The claimant was transported to (hospital) where the hearing officer notes the claimant was "diagnosed" with a reducible right inguinal hernia and a left testicular mass, but was not diagnosed with a left inguinal hernia on September 20, 2000. Our review of the record indicates otherwise. While the hospital records indeed reflect that the genitourinary examination revealed a left testicular mass and right inguinal hernia, they also reflect under the heading "Clinical Assessment Findings" that "there is a very large size hernia on the right testicle and left inguinal areas." Additionally, the "discharge impression" states that the claimant had a nonreducible left inguinal hernia and a reducible right inguinal hernia. Because it is apparent that the hearing officer based his decision in part on the fact that a left inguinal hernia did not exist on September 20, 2000, we find it necessary to remand this case for the hearing officer to review the hospital records and determine whether the references substantiating the existence of a left inguinal hernia on September 20, 2000, would result in a different decision.

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.

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

**DOROTHY C. LEADERER
1999 BRYAN STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Edward Vilano
Appeals Judge