

APPEAL NO. 040927
FILED JUNE 16, 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 March 18, 2004. The hearing officer resolved the disputed issue by determining that the appellant (claimant) is not entitled to lifetime income benefits based on the total and permanent loss of use of both feet or both hands. The claimant appeals this determination. The respondent (carrier) urges affirmance of the hearing officer's decision and order.

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires that the Appeals Panel consider the record developed at the hearing. The audiotape recording of the hearing proceedings is inaudible. Although a court reporter was present at the hearing and repeated requests were made to obtain the transcript from the carrier's attorney, the transcript was never provided. Accordingly, we must remand for reconstruction of the record, which can be achieved by obtaining, if possible, the transcript of the hearing proceedings.

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 **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET, SUITE 2900
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge