

APPEAL NO. 041038
FILED JUNE 14, 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 April 6, 2004. The hearing officer determined that the appellant's (claimant) _____, compensable injury extends to and includes an injury to the cervical spine in the form of muscle spasms and a cervical sprain/strain. The claimant appeals, asserting that the injury to her cervical spine is more severe than the above-listed conditions. The respondent (self-insured) urges affirmance of the hearing officer's decision.

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires that the Appeals Panel consider the record developed at the hearing. The record of the hearing was recorded on two compact discs. Disc one is blank; therefore we are unable to review the entire record. Accordingly, we must remand 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.

The true corporate name of the insurance carrier is **a self-insured governmental entity through East Texas Educational Insurance Association** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Daniel R. Barry
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Veronica L. Ruberto
Appeals Judge