

APPEAL NO. 041092
FILED JUNE 28, 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 April 28, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of mental trauma on or about _____; that the respondent (self-insured) is relieved from liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001; and that the claimant did not have disability from June 10, 2003, through October 13, 2003, resulting from the injury sustained on _____. The claimant appealed on sufficiency of the evidence grounds. The self-insured responded, urging affirmance.

DECISION

Reversed and remanded.

Section 410.203(a)(1) provides that the Appeals Panel shall consider the record developed at the CCH. See Texas Workers' Compensation Commission Appeal No. 93809, decided October 25, 1993. Upon review of the record, Self-Insured's Exhibit A (CR-A) entitled "Exhibit List" reflects that Exhibit I (CR-I) entitled "Miscellaneous Documents" contains 15 pages, however pages 13-15 are missing from the record. Additionally, there is a reference from the self-insured during closing argument to CR-I, pages 14 and 15, specifically a reference to a statement from a witness named (witness).

The file forwarded to us for review does not contain CR-I, page 13, and CR-I, pages 14-15. Because the record is incomplete, it must be remanded for the addition or reconstruction of the missing exhibits.

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 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**MAYOR OF (CITY)
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Edward Vilano
Appeals Judge