

APPEAL NO. 041386  
FILED JULY 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 May 10, 2004. The hearing officer determined that: (1) the appellant's (claimant) compensable injury of \_\_\_\_\_, extends to and includes the lumbar strain, cervical sprain/strain, mild closed head injury, right shoulder impingement and rotator cuff, and right elbow; (2) the claimant's compensable injury of \_\_\_\_\_, does not extend to and include displaced cervical disc; and (3) the claimant reached maximum medical improvement on April 29, 2004, with a 2% impairment rating as certified by the designated doctor. The claimant appealed the adverse determinations and argued that an agreement on the disputed issues had been made without her consent. The respondent (carrier) responded, urging affirmance and contending that the claimant understood the agreement on the record, before it was entered and approved by the hearing officer.

DECISION

We reverse and remand for reconstruction of the record.

The file forwarded to us for review does not contain a compact disc (CD) recording, audiotape, or written transcript for review. There is no record other than the documentary evidence included in the appeal file. Because the record is incomplete, it must be remanded 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. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge