

APPEAL NO. 042719
FILED DECEMBER 9, 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) began on September 1, 2004, and continued on September 23, 2004. The hearing officer resolved the disputed issues by deciding that: (1) the respondent (claimant) had good cause for failing to submit to the designated doctor's examinations on June 12, 2003, and July 9, 2003; (2) that the employer did not make a bona fide offer of employment; and (3) that the claimant had disability from July 14 through September 24, 2003; October 17 through December 1, 2003; and March 6, 2004, through the date of the CCH. The appellant (carrier) appealed, requesting reversal of the disputed determinations. The appeal file does not contain a response from the claimant.

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the hearing. See Texas Workers' Compensation Commission Appeal No. 93809, decided October 25, 1993. The hearing was recorded on four audiotapes. However, side two of tape two is inaudible, which included the testimony of Ms. F in the CCH held on September 1, 2004. Accordingly, we remand this case for reconstruction of the record. See Texas Workers' Compensation Commission Appeal No. 960968, decided July 3, 1996.

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 **FEDERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GERARD BUTLER
2001 BRYAN STREET, SUITE 3400
DALLAS, TEXAS 75201-3068.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge