

APPEAL NO. 050036
FILED FEBRUARY 22, 2005

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 December 10, 2004. With regard to the issues before her, the hearing officer determined that the appellant/cross-respondent's (claimant) compensable injury of _____, extends to and includes a psychological injury; that the claimant's impairment rating (IR) is 19%; and that the impairment income benefits (IIBs) and supplemental income benefits, if any, payable due to the claimant's compensable injury are subject to a 21% reduction due to contribution from a prior compensable injury.

The claimant appeals the contribution determination to the extent that the hearing officer's decision can be read as allowing the respondent/cross-appellant (carrier) to reduce IIBs beginning June 21, 2002, when the contribution did not accrue until April 7, 2004. The carrier appeals the determinations on extent of the injury, the IR, and contribution. Both parties responded to the other's appeal.

DECISION

Reversed and remanded for reconstruction of the CCH record.

Section 410.202(a)(1) provides that the Appeals Panel shall consider the record developed at the CCH. The CCH was recorded on audio compact disc (CD). The CD enclosed in the file is blank. Consequently, we must remand the case to the hearing officer 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 **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.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge