

APPEAL NO. 051474
FILED AUGUST 15, 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 May 19, 2005, with the record closing on June 1, 2005. The hearing officer resolved the disputed issues by deciding that the compensable injury of _____, does not extend to or include a herniated disc at L4-5; that the appellant (claimant) reached maximum medical improvement on July 12, 2004; and that the claimant has a zero percent impairment rating. The claimant appealed, disputing the determinations of the hearing officer. The claimant attached to his appeal what he described as a tape of his examination with (Dr. L) on January 7, 2005. The respondent (carrier) responded, urging affirmance.

DECISION

Reversed and remanded.

Section 410.203(a)(1) provides that an Appeals Panel shall consider the record developed at the CCH. The CCH record was not sent to the Appeals Panel and efforts to locate the CCH record have been unsuccessful. Consequently, we must remand the case to the hearing officer for reconstruction of the CCH 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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
701 BRAZOS, SUITE 1050
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge