

APPEAL NO. 070341
FILED APRIL 2, 2007

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 January 22, 2007. The hearing officer resolved the disputed issue by deciding that the compensable injury of _____, does not include the diagnosed conditions of lumbar degenerative disc disease, herniated/bulging discs at L3-4, L4-5, L5-S1, annular fissures at L3-4, L4-5, or an injury to the cervical spine. The appellant (claimant) appealed, essentially on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance of the extent-of-injury determination.

DECISION

Reversed and remanded for reconstruction of the record.

The CCH record has not been received by the Appeals Panel. Efforts to locate the record of the proceedings have been unsuccessful. Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. Accordingly, the decision and order of the hearing officer are reversed and the case is remanded for reconstruction of the CCH record or the forwarding of the CCH record if it can be located.

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 Department of Insurance, Division of Workers' Compensation, 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 Appeals Panel Decision 92642, decided January 20, 1993.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL RAY OLIVER, PRESIDENT
6210 EAST HIGHWAY 290
AUSTIN, TEXAS 78723.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica L. Ruberto
Appeals Judge