

APPEAL NO. 070462  
FILED APRIL 18, 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 February 7, 2007. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (carrier) has not waived its right to contest compensability of the claimed injury by failing to contest the injury in accordance with Sections 409.021 and 409.022; (2) the claimed injury did not occur while the respondent (claimant) was in a state of intoxication; and (3) the claimant had disability resulting from a compensable injury beginning April 18, 2006, and ending August 31, 2006. The carrier appealed, disputing the intoxication and disability determinations. The claimant responded, urging affirmance.

DECISION

Reversed and remanded for reconstruction of the record.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. The appeal file reflects that there was no court reporter at the CCH and the file does not contain an audio cassette recording, an audio compact disc recording, or transcript of the CCH. Consequently, we reverse and remand this case for reconstruction of the record. See Appeals Panel Decision (APD) 060353, decided April 12, 2006.

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 APD 92642, decided January 20, 1993.

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  
800 BRAZOS, COMMODORE 1, SUITE 750  
AUSTIN, TEXAS 78701.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge