

APPEAL NO. 070806
FILED MAY 29, 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 March 20, 2007, with the record closing on April 2, 2007. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury extends to include degenerative changes at L4-5 but not at L3-4; (2) the appellant (carrier) waived the right to contest compensability of the degenerative changes at L4-5 but did not waive the right to contest degenerative changes at L3-4; (3) the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the seventh quarter; and (4) the claimant is entitled to SIBs for the eighth quarter. The carrier appealed, disputing the determinations of SIBs entitlement for the seventh and eighth quarters, carrier waiver of the right to contest compensability of the degenerative changes at L4-5, and the determination that the compensable injury extends to include degenerative changes at L4-5. 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. The compact disc recordings of the CCH are included in the appeal file but are unintelligible, which makes a full review of the record impossible. Additionally, the appeal file does not contain any exhibits from the claimant. The carrier's appeal refers specifically to claimant's exhibits, so it appears that claimant's exhibits were offered and admitted at 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 EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica L. Ruberto
Appeals Judge