

APPEAL NO. 070911  
FILED JULY 9, 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 April 5, 2007. The two disputed issues were:

- (1) Is the respondent (claimant) entitled to lifetime income benefits (LIBs) as of this date based on a physically traumatic injury to the brain resulting in incurable insanity or imbecility?; and
- (2) If the claimant is entitled to LIBs, on what date did those benefits begin to accrue?

The hearing officer resolved the disputed issues by deciding that: (1) the claimant is entitled to LIBs as of this date based on a physically traumatic injury to the brain resulting in incurable insanity or imbecility; and (2) the claimant's LIBs began to accrue on \_\_\_\_\_. The hearing officer also determined that good cause did not exist to add the issue of LIBs based on loss of use of both feet at or above the ankles. The appellant (carrier) appealed the hearing officer's determination that the claimant's LIBs began to accrue on \_\_\_\_\_. The claimant responded, urging affirmance.

The hearing officer's finding of no good cause to add the issue of LIBs based on loss of use of both feet at or above the ankles and the determination that the claimant is entitled to LIBs as of this date based on a physically traumatic injury to the brain resulting in incurable insanity or imbecility, have not been appealed and have become final pursuant to Section 410.169.

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 CCH was recorded on one compact disc (CD). The CD indicated that it contained 1 track, which was 47 minutes and 6 seconds long. The entire CD had no sound at all. The file indicates that there was no court reporter and the file does not contain a transcript. 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 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Margaret L. Turner  
Appeals Judge