

APPEAL NO. 080143  
FILED APRIL 9, 2008

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 3, 2008. The hearing officer decided that the respondent (claimant) is entitled to supplemental income benefits for the first quarter, from July 19, 2007, through October 17, 2007. The appellant (carrier) appealed, contending that the evidence before the hearing officer "was insufficient to establish that the Claimant met the direct result criteria or that the claimant was satisfactorily participating in (or even actively participating) in a full time vocational rehabilitation program sponsored by [Department of Assistive and Rehabilitative Services]." The appeal file contains no response from the claimant.

DECISION

Reversed and remanded for reconstruction of the record.

The CCH was recorded on two compact discs (CD). The file forwarded for review contained only the second CD. The file indicates that there was a court reporter at the CCH however the file does not contain a transcript. Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. See Appeals Panel Decision (APD) 041386, decided July 14, 2004. Consequently, the hearing officer's decision and order is reversed and the case is remanded 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 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **COMMERCE AND INDUSTRY INSURANCE 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.**

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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