

APPEAL NO. 090104
FILED MARCH 19, 2009

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 December 18, 2008. The issues before the hearing officer were:

- (1) Was the appellant (claimant) in the course and scope of his employment when involved in a motor vehicle accident on _____?
- (2) Did the claimant have disability resulting from an injury sustained on _____, and if so, for what period(s)?

The hearing officer determined that the claimant was not in the course and scope of employment at the time of his motor vehicle accident on _____, and because the claimant did not sustain a compensable injury on _____, he did not have disability.

The claimant appealed the hearing officer's determinations on the issues of course and scope of employment and disability. The respondent (carrier) responded, urging affirmance.

DECISION

We reverse and remand this case to the hearing officer 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 four compact discs (CDs), however, none of the four CDs have any sound. The file indicates that there was no court reporter and the file does not contain a transcript, or a tape recording of the CCH proceeding. Consequently, we reverse and remand this case to the hearing officer for reconstruction of the CCH 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 060721, decided June 12, 2006.

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

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

Veronica L. Ruberto
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge