

APPEAL NO. 090136
FILED JANUARY 29, 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 January 8, 2009. With regard to (Docket No. 1), the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, since there was no compensable injury on _____, there is no extension of a compensable injury to other body parts and that the claimant did not have disability. With regard to (Docket No. 2), the hearing officer determined that the claimant did not sustain a compensable injury on _____, and that since there was no compensable injury on _____, there is no extension of a compensable injury to other body parts.

The claimant appealed on a sufficiency of the evidence basis. The respondent (carrier) responded, urging affirmance.

DECISION

Reversed and remanded for reconstruction of the CCH record.

Section 410.203(a)(1) provides that the Appeals Panel shall consider the record developed at the CCH. The appeal file contains three compact discs (CDs). The first CD is approximately 17 minutes long and is apparently of a prehearing conference on October 22, 2008. The CCH was not convened, several unidentified people are speaking, no evidence was taken and apparently the case was continued. The other two CDs are dated January 8, 2009, but have no sound. The appeal file does not indicate a court reporter was present and the file does not contain a transcript or other recording. Consequently, we remand the case 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 Appeals Panel Decision 060721, decided June 12, 2006.

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 HWY 290
AUSTIN, TEXAS 78723.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge