

APPEAL NO. 090611
FILED JUNE 26, 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 April 2, 2009. The hearing officer determined that: (1) the appellant's (claimant) impairment rating (IR) is two percent; and (2) the Texas Department of Insurance, Division of Workers' Compensation (Division) did not abuse its discretion in failing to appoint a second designated doctor.

The claimant appealed the hearing officer's decision on the issues of IR and abuse of discretion. The appeal file does not contain a response from the respondent (self-insured).

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 CCH was recorded on one compact disc, which was inaudible. The appeal file does not indicate that a court reporter was present and the file does not contain a transcript or other recording of the proceedings. 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 Division, 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**GT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge