

APPEAL NO. 090898
FILED JULY 24, 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 September 10, 2008, and April 29, 2009, with the record closing on May 14, 2009. The hearing officer determined that: (1) the respondent (claimant) sustained a compensable injury on _____; (2) for workers' compensation purposes, the claimant was an employee of (Employer); and (3) the claimant had disability resulting from the injury sustained on _____, from March 25 through September 10, 2008. The appellant (carrier) appealed the hearing officer's determinations on the issues of compensability, disability and the claimant's employer. The claimant responds, urging affirmance.

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 two compact discs (CD). The first CD contains 1 track, for a total time of 1 hour, 17 minutes, and 9 seconds and is inaudible. However, the second CD contains 2 tracks, for a total time of 31 minutes and 36 seconds and is audible. 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 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

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

Veronica L. Ruberto
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge