

APPEAL NO. 091577  
FILED DECEMBER 10, 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 17, 2009. The hearing officer resolved the disputed issues by deciding that the compensable injury of \_\_\_\_\_, does not extend to include disc desiccations, protrusions, or annular fissures at L3-4, L4-5, or L5-S1 and that the respondent (carrier) has not waived the right to contest the compensability of disc desiccations, protrusions, and annular fissures at L3-4, L4-5, and L5-S1 by not timely contesting the diagnoses in accordance with Section 409.021.

The appellant (claimant) appealed, disputing both the extent of injury and carrier waiver determinations. The carrier responded, urging affirmance.

DECISION

Reversed and remanded for reconstruction of the record.

The entire CCH record has not been received by the Appeals Panel. Although the transcript of the CCH has been forwarded to the Appeals Panel, no exhibits have been forwarded for review. The transcript reflects that documentary exhibits were both offered and admitted at the CCH. Efforts to locate the exhibits of the proceeding have been unsuccessful. Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. Consequently, we reverse and remand this case for reconstruction of the CCH record to include the exhibits, or forwarding of the CCH record to include the exhibits of the CCH if they can be located. 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 **SOUTHERN VANGUARD INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PARKER W. RUSH, PRESIDENT  
5525 LBJ FREEWAY  
DALLAS, TEXAS 75240.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge