

APPEAL NO. 100477
FILED JUNE 28, 2010

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 March 24, 2010, in (City), Texas, with (name) presiding as hearing officer. With regard to the only issue before her, the hearing officer determined that the respondent's (claimant) impairment rating (IR) is 14%.

The appellant (carrier) appealed, contending that the designated doctor's IR should not have been adopted because the preponderance of the other medical evidence is contrary to the designated doctor's opinion on the claimant's assigned IR. The file does not contain a response from the claimant.

DECISION

Reversed and remanded for reconstruction of the record.

Section 410.203(a)(1) requires that the Appeals Panel consider the record developed at the CCH. The CCH was recorded on one compact disc (CD). The CD indicates that 58 minutes were recorded but the CD is silent. The appeal file does not contain a transcript or any other recording of the proceeding. Consequently, we remand the case to the hearing officer for reconstruction of the CCH record. See Appeals Panel Decision (APD) 100512, decided June 3, 2010.

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 **NEW HAMPSHIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge