

APPEAL NO. 101321
FILED NOVEMBER 5, 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 August 3, 2010. With regard to the only issue before her the hearing officer determined that the appellant's (claimant) impairment rating (IR) is zero percent.

The claimant appealed, contending that the zero percent IR is clearly wrong. The respondent (carrier) responded, 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 one compact disc (CD). The CD indicates that 1 hour and 25 minutes were recorded but the CD is silent. The file indicates that there was no court reporter and the file does not contain a transcript or a tape recording of the CCH proceeding. Consequently, we reverse and remand this case to the hearing officer for reconstruction of the CCH record. See Appeals Panel Decision (APD) 100512, decided June 3, 2010. We note that the Insurance Carrier Information Form lists the registered agent for service of process to be Prentiss-Hall Corporation System, Inc. while other records indicate the correct spelling to be Prentice-Hall Corporation System, Inc. The hearing officer, in conjunction with the carrier, on remand is to ascertain the correct spelling of the carrier's registered agent for service of process.

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.

According to the information provided by the carrier, the true corporate name of the insurance carrier is **OLD REPUBLIC INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**PRENTISS-HALL CORPORATION SYSTEM, INC.
800 BRAZOS
AUSTIN, TEXAS 78702.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Cynthia A. Brown
Appeals Judge

Margaret L. Turner
Appeals Judge