

APPEAL NO. 111880  
FILED FEBRUARY 13, 2012

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 November 17, 2011, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issue by deciding that the preponderance of the evidence is not contrary to the decision of the Independent Review Organization (IRO) that a facetectomy on the right agitation (*sic*) to laminectomy with fusion at L4/5, anterior lumbar interbody fusion is not health care reasonably required for the compensable injury of [date of injury]. The appellant (claimant) appealed, disputing the hearing officer's determination that the preponderance of the evidence is not contrary to the decision of the IRO.

DECISION

Reversed and remanded for reconstruction of the record.

The CCH record, including the exhibits, has not been received by the Appeals Panel. Efforts to locate the recording 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 record, or forwarding of the CCH record if it 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 **LIBERTY INSURANCE CORPORATION** 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.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cynthia A. Brown  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge