

APPEAL NO. 120365
FILED APRIL 24, 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 February 6, 2012, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the sole disputed issue by deciding that lifetime income benefits (LIBs) began to accrue on October 28, 2010.

The appellant/cross-respondent (self-insured) appealed the hearing officer's determination of the date LIBs began to accrue, arguing that the question of entitlement to LIBs is pending before a district court and therefore has not been resolved. The self-insured alternatively argues that the accrual date for LIBs entitlement will be the date the respondent/cross-appellant (claimant) was judicially found to be entitled to LIBs and not before. The claimant responded to the self-insured's appeal. The claimant also cross-appealed the hearing officer's determination of the date LIBs began to accrue, arguing that the accrual date is when the medical records indicate the claimant had difficulty walking because she had numbness from her hips to her toes. The self-insured responded to the claimant's cross-appeal.

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. The CCH was recorded on a single compact disc (CD). However, the CD is blank. 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) 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 **[SELF-INSURED]** and the name and address of its registered agent for service of process is

[AK]
[ADDRESS]
[CITY], TEXAS [ZIP CODE].

Margaret L. Turner
Appeals Judge

CONCUR:

Cynthia A. Brown
Appeals Judge

Thomas A. Knapp
Appeals Judge