

APPEAL NO. 120675
FILED JUNE 5, 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 March 14, 2012, in [City], Texas, with [hearing officer] presiding as hearing officer. Regarding the issues before her, the hearing officer determined that: (1) the appellant (claimant) reached maximum medical improvement on April 18, 2011; (2) the claimant has a five percent impairment rating as a result of her compensable injury of [date of injury]; (3) as of the date of the CCH, the claimant has sustained continued disability since April 18, 2011 (however, we note that the actual issue to be determined by the hearing officer was whether the claimant sustained disability after April 28, 2011, and that the hearing officer noted the correct date of April 28, 2011, in Finding of Fact No. 11 and Conclusion of Law No. 5); and (4) the claimant's compensable injury of [date of injury], does not include an L5-S1 disc herniation or lumbar radiculopathy.

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 appeals file contains one compact disc (CD). The CD lists 54 tracks; however, the audio on the CD contains only background noise and no testimony or any other proceedings. The file indicates 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RON O. WRIGHT, PRESIDENT
6210 EAST HIGHWAY 290
AUSTIN, TEXAS 78723.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Cynthia A. Brown
Appeals Judge

Margaret L. Turner
Appeals Judge