

APPEAL NO. 122260
DECEMBER 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 October 11, 2012, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: the [date of injury], compensable injury does not extend to L5 bilateral radiculopathy, L4 left radiculopathy, S1 left radiculopathy, C6 bilateral radiculopathy, C2-3, C3-4, C4-5, C5-6 disc bulges, L1-2, L2-3, and L4-5 disc bulges, L4-5 disc protrusions, and L5-S1 disc protrusion; the appellant (claimant) reached maximum medical improvement (MMI) on September 1, 2010; and that the claimant's impairment rating (IR) is zero percent.

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 recording lasts 7 minutes and 20 seconds and then goes blank while the hearing officer is determining preliminary matters before the actual CCH began. No testimony is included on the CD. 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 **[a self-insured governmental entity]** and the name and address of its registered agent for service of process is

**[SECRETARY]
[ADDRESS]
[CITY, TEXAS ZIP].**

Cynthia A. Brown
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Margaret L. Turner
Appeals Judge