

APPEAL NO. 131789  
FILED SEPTEMBER 26, 2013

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 June 25, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issue by deciding that the attorney fee awards in Sequence Nos. 1 through 8 (attorney fee orders dated January 19, 2011 (two orders), February 3, 2011, February 18, 2011, March 3, 2011, March 21, 2011, April 5, 2011, and April 13, 2011) were not excessive, and were not timely appealed by the appellant (claimant).

The claimant appealed, disputing the hearing officer's determination. The claimant contends that the amount of time requested by respondent 1 (attorney) was not reasonable and necessary and that he timely disputed the attorney fees awarded. The attorney responded, urging affirmance of the disputed determination. The appeal file does not contain a response from respondent 2 (self-insured).

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 appeal file in this case contains one compact disc (CD). The CD contains two tracks which are identical. During the recorded track, preliminary matters are discussed and the claimant gives his opening argument. The hearing officer agrees to take a break at the request of the attorney and no further recording is included on the CD. The CD does not contain any testimony given at the CCH. A full review of the record could not be completed. The file indicates that there was no court reporter and the file does not contain a transcript or 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 certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge