

APPEAL NO. 132909
FILED JANUARY 21, 2014

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 4, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury of [date of injury], does not extend to a left knee medial meniscus tear but does extend to the left knee traumatic femoral condyle cartilage damage; (2) the respondent (claimant) reached maximum medical improvement (MMI) on April 15, 2013; and (3) the claimant's impairment rating (IR) is four percent. The appellant (carrier) appeals the hearing officer's determinations of MMI/IR and the portion of the extent-of-injury determination that is adverse to it, contending that there is insufficient causation evidence to support the compensability of the extent-of-injury condition. The claimant responds, urging affirmance of the disputed determinations. The hearing officer's determination that the compensable injury does not extend to a left knee medial meniscus tear was not appealed and has become final pursuant to Section 410.169.

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 contains two compact discs (CD), one of which is a duplicate, of the hearing in the case. The CDs list the recording as being 34 minutes long. The CD plays, however there is no sound except for slight static. Consequently, a full review of the record could not be completed. 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 **FEDERAL INSURANCE COMPANY** 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.**

Cristina Beceiro
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge