

APPEAL NO. 132995
FILED FEBRUARY 18, 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 13, 2013, in [City], Texas, with [hearing officer] presiding as the hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury of [date of injury], does not extend to lumbar intervertebral disc without myelopathy at L4-5 and L5-S1, lumbar central spinal canal stenosis at L4-5 and L5-S1, lumbar disc bulge at L4-5, lumbar disc protrusion/herniation at L5-S1, and lumbar neuritis/radiculopathy at L5 bilaterally; and (2) the appellant (claimant) reached maximum medical improvement (MMI) on March 8, 2013, with a five percent impairment rating (IR).

The claimant appealed, disputing the hearing officer's determinations. The claimant contends that the evidence supports that her injury extends to the disputed conditions. She further argues that the certification of [Dr. P], the designated doctor appointed to address MMI and IR, which was adopted by the hearing officer, did not explain how she determined the date of MMI, and the IR does not rate the entire compensable injury because it does not rate the disputed conditions. The respondent (self-insured) responded, urging affirmance of the disputed determinations.

DECISION

Reversed and remanded for reconstruction of the record.

Section 410.203(a)(1) states that the Appeals Panel shall consider the record developed at the CCH. The appeal file in this case contains one compact disc (CD). Review of the CD shows that the CD is blank. The file indicates that there was no court reporter and the file does not contain a transcript or tape recording of the CCH proceeding. Without a record of the CCH proceeding, a full review of the record could not be completed. 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

**C T 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