

APPEAL NO. 140074  
FILED MARCH 24, 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 25, 2013, in [City], Texas, with [hearing officer] presiding as the hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) [Dr. A] is disqualified to act as the designated doctor in this case; (2) the respondent (claimant) has no adoptable maximum medical improvement (MMI) date at this time; and (3) the claimant has no adoptable impairment rating (IR) at this time.

The appellant (carrier) appealed, disputing the hearing officer's determinations. The appeal file does not contain a response from the claimant.

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), but it contains a recording of a different hearing held in October of 2013. 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.

Pursuant to Section 410.203(c), the Appeals Panel may not remand a case more than once. Given that we are remanding this case for reconstruction of the record, we have reviewed the documentary evidence, the hearing officer's decision, and the appeal with regard to the issues in dispute.

The hearing officer stated in the Decision portion of the decision and order that "[a]s the statutory requirement that a designated doctor be appointed has not yet been satisfied, the issues of [the] [c]laimant's [MMI] status and [IR] can not be adjudicated at this time." However, the hearing officer did not request or order the appointment of a new designated doctor on the issues of MMI and IR. Since the hearing officer determined that the appointment of a new designated doctor is necessary to resolve the issues in dispute, on remand the hearing officer is to request or order the appointment of a new designated doctor on the issues of MMI and IR. See Section 408.125.

We reverse and remand this case to the hearing officer for reconstruction of the record. On remand, the hearing officer is to: (1) reconstruct the record; (2) request or order the appointment of a new designated doctor on the issues of MMI and IR if one has not already been appointed; and (3) make findings of fact, conclusions of law, and a decision on the issues of a disqualifying association, MMI, and IR consistent with this decision and the evidence.

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, 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 **NATIONAL FIRE INSURANCE COMPANY OF HARTFORD** 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.**

---

Daniel R. Barry  
Appeals Judge

CONCUR:

---

Carisa Space-Beam  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge