

APPEAL NO. 140080
FILED MARCH 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 20, 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 right carpal tunnel syndrome, cervical sprain/strain, and cervical radiculopathy; (2) the appellant (claimant) reached maximum medical improvement (MMI) on July 6, 2012; (3) the claimant's impairment rating (IR) is zero percent; and (4) the claimant had disability resulting from the compensable injury beginning July 6 through November 16, 2012.

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

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 two compact discs (CD). Review of the first CD shows that the hearing began at 8:45 a.m., and 36 minutes and 12 seconds into the hearing, during the cross-examination of the claimant, the recording abruptly stops while the carrier's attorney was in the middle of asking a question. Review of the second CD shows that the hearing re-started at 9:30 a.m., and the carrier's attorney references going through the designated doctor's report with the claimant at length before they took a break of undetermined length. There is a gap between the recordings on the CDs. 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, 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 **WAUSAU UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is:

**CORPORATION SERVICES COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701.**

Tracey T. Guerra
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge