

APPEAL NO. 140221
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 December 10, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the respondent (carrier) is not relieved of liability for compensation because the claimed injury did not arise out of an act of a third person intended to injure the appellant (claimant) because of personal reasons and not directed at the claimant as an employee or because of the employment; and (2) the claimant did have disability beginning on July 19 and continuing through August 19, 2013, and for no other periods. The claimant appealed, disputing the hearing officer's disability determination contending that the disability determination is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. The carrier responded, urging affirmance of the disputed disability determination.

The hearing officer's determination that the carrier is not relieved of liability for compensation because the claimed injury did not arise out of an act of a third person intended to injure the claimant because of personal reasons and not directed at the claimant as an employee or because of the employment 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 at the CCH. The appeal file contains one compact disc (CD). The CD reflects that it is 1 hour, 34 minutes, and 47 seconds long. However, the CD only contains static and no audible arguments or testimony. 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 **PROTECTIVE 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.**

Margaret L. Turner
Appeals Judge

CONCUR:

Tracey T. Guerra
Appeals Judge

Carisa Space-Beam
Appeals Judge