

APPEAL NO. 140481
FILED APRIL 10, 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 February 6, 2014, 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 right anterior cruciate ligament tear; (2) the appellant (claimant) reached maximum medical improvement (MMI) on February 13, 2013; (3) the claimant's impairment rating (IR) is zero percent; and (4) the claimant had disability from an injury sustained on [date of injury], from February 13, 2013, through February 17, 2013, but not thereafter through March 31, 2013. The claimant appealed, disputing the hearing officer's determinations of the extent of the injury, MMI, IR, and disability. 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) 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 2 seconds long and contains 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. We note that the hearing officer in Finding of Fact No. 6 found that the compensable injury was a cause of the claimant's inability to obtain and retain employment at wages equivalent to his pre-injury wage from February 14, 2013, through February 17, 2013, but not thereafter through March 31, 2013. However, the hearing officer in Conclusion of Law No. 6 and in the decision determined that the claimant had disability from an injury sustained on [date of injury], from February 13, 2013, through February 17, 2013, but not thereafter through March 31, 2013.

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 self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY
[ADDRESS]
[CITY], TEXAS [ZIP CODE].**

Margaret L. Turner
Appeals Judge

CONCUR:

Tracey T. Guerra
Appeals Judge

Carisa Space-Beam
Appeals Judge