

APPEAL NO. 141309  
FILED AUGUST 7, 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, February 6, 2014, and May 5, 2014, in El Paso, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the appellant (claimant) did have disability from August 19, 2013, and continuing through the date of the CCH as a result of an injury sustained on [date of injury]; (2) the compensable injury sustained on [date of injury], does not extend to a TFCC tear of the right wrist; (3) the claimant reached maximum medical improvement (MMI) on August 15, 2013; and (4) the claimant's impairment rating (IR) is five percent. The claimant appealed the hearing officer's extent of injury, MMI and IR determinations. The respondent (carrier) responded, urging affirmance. The hearing officer's determination that the claimant did have disability from August 19, 2013, and continuing through the date of the CCH as a result of an injury sustained on [date of injury], has not been 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 developed at the CCH. The appeal file contains three compact discs (CD), which are labeled November 20, 2013, February 6, 2014, and May 5, 2014, respectively. Review of the CD labeled November 20, 2013, indicates that it has a recording of 16 minutes and that the hearing officer continued the CCH to another date. Review of the CD labeled May 5, 2014, indicates that it has a recording of 1 hour, 1 minute and 23 seconds. However, review of the CD labeled February 6, 2014, indicates it has a 1 second recording and there is no further recording thereafter. Consequently, there is an incomplete recording of the CCH on February 6, 2014.

The file indicates that there was no court reporter and the file does not contain a transcript or a tape recording of the CCH proceeding held on February 6, 2014. Accordingly, 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RICHARD J. GERGASKO, PRESIDENT  
6210 EAST HIGHWAY 290  
AUSTIN, TEXAS 78723.**

---

Veronica L. Ruberto  
Appeals Judge

CONCUR:

---

Carisa Space-Beam  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge