

APPEAL NO. 141734  
FILED SEPTEMBER 19, 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 June 30, 2014, in Lufkin, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issue by deciding that: (1) the compensable injury of [Date of Injury], does not extend to an aggravation of the degenerative joint disease and chondromalacia in the left knee; (2) the appellant (claimant) reached maximum medical improvement (MMI) on May 29, 2012; (3) the claimant's impairment rating (IR) is 15%; (4) the first certification of MMI and IR assigned by Dr. Caldwell (Dr. C) on May 29, 2012, became final under Section 408.123 and 28 TEX. ADMIN. CODE § 130.12 (Rule 130.12); (5) the 15% IR became final and binding under Rule 130.102(h); and (6) the claimant is not entitled to supplemental income benefits (SIBs) for the first quarter, from April 10 through July 9, 2013. The claimant appealed, disputing the hearing officer's determinations that the compensable injury does not extend to an aggravation of the degenerative joint disease and chondromalacia in the left knee and that she is not entitled to SIBs for the first quarter. The claimant argues that the evidence established that the compensable injury extends to the disputed conditions and that she is entitled to first quarter SIBs. The respondent (self-insured) responded, urging affirmance of the determinations disputed by the claimant.

The hearing officer's determinations that: the claimant reached MMI on May 29, 2012; the claimant's IR is 15%; the first certification of MMI and IR assigned by Dr. C on May 29, 2012, became final under Section 408.123 and Rule 130.12; and the 15% IR became final and binding under Rule 130.102(h) were not appealed and have 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 one hour, thirty minutes and three seconds long but 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 who presided over the initial CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 060353, decided April 12, 2006. No new evidence

should be admitted on remand. See APD 031163, decided June 17, 2003; and APD 041970, decided October 4, 2004.

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 **WAL-MART ASSOCIATES, INC. (a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-3136.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge