

APPEAL NO. 141821  
FILED OCTOBER 16, 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 August 27, 2013, and continued on October 23, 2013, with the record closing on August 1, 2014, in Tyler, Texas, with [hearing officer] presiding as hearing officer. With regard to TY-10-347832-05-CC-TY43 (Docket No. 1) the hearing officer determined that the appellant's (claimant) impairment rating (IR) is eight percent. With regard to TY-10-347832-07-CC-TY43 (Docket No. 2) the hearing officer determined that the compensable injury of [Date of Injury]: (1) does not extend to left shoulder adhesive capsulitis or left shoulder tendonitis; and (2) does extend to left shoulder partial rotator cuff tear.

The claimant appealed the hearing officer's determination that the claimant's IR is eight percent in Docket No. 1, and that the compensable injury of [Date of Injury], does not extend to left shoulder adhesive capsulitis or left shoulder tendonitis in Docket No. 2 based on sufficiency of the evidence. The respondent (carrier) responded, urging affirmance. That portion of the hearing officer's extent-of-injury determination that the compensable injury of [Date of Injury], does extend to left shoulder partial rotator cuff tear 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 at the CCH. The appeal file contains one compact disc (CD) and a transcript for the August 27, 2013, CCH, and that CD is audible. The appeal file does not contain a recording or transcript for the October 23, 2013, CCH. Furthermore, we address a clerical error in the hearing officer's Decision and Order regarding the mailing address for the carrier's registered agent for service of process. Hearing Officer's Exhibit No. 3, the carrier information sheet, provides that the carrier is Hartford Insurance Company of the Midwest and that the name and address of its registered agent for service of process is CT Corporation System, 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201. The hearing officer incorrectly states in the Decision and Order that the address of the registered agent for service of process is 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

Consequently, we reverse and remand this case to the hearing officer who presided over the October 23, 2013, CCH, if possible, for reconstruction of the CCH record and to include the correct mailing address of the carrier's registered agent for service of process as listed in Hearing Officer's Exhibit No. 3. 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 **HARTFORD INSURANCE COMPANY OF THE MIDWEST** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH SAINT PAUL STREET, SUITE 2900  
DALLAS, TEXAS 75201.**

---

Veronica L. Ruberto  
Appeals Judge

CONCUR:

---

Carisa Space-Beam  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge