

APPEAL NO. 141881  
FILED NOVEMBER 5, 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 July 30, 2014, in Laredo, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issue by deciding that: (1) the respondent (claimant) did sustain a compensable injury on [Date of Injury]; (2) the compensable injury does not extend to the diagnoses of pulmonary emboli, hypertension, and blood clotting disorder; (3) the claimant did have disability resulting from the compensable injury sustained on [Date of Injury], beginning February 1, 2014, and continuing through March 6, 2014; and (4) the claimant did not have disability resulting from the compensable injury sustained on [Date of Injury], beginning January 30, 2014, and continuing through January 31, 2014, and beginning March 7, 2014, and continuing through the date of the CCH. The appellant (carrier) appealed, disputing the hearing officer's determinations that the claimant sustained a compensable injury and had disability beginning February 1, 2014, and continuing through March 6, 2014. The carrier alleges in its appeal that the great weight and preponderance of the evidence does not support the hearing officer's determinations that the claimant sustained a compensable injury and had disability beginning February 1, 2014, and continuing through March 6, 2014. The appeal file does not contain a response from the claimant.

The hearing officer's determinations that the compensable injury does not extend to the diagnoses of pulmonary emboli, hypertension, and blood clotting disorder and that the claimant did not have disability from January 30, 2014, through January 31, 2014, or from March 7, 2014, through the date of the CCH 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 is blank 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 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 **NEW HAMPSHIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218.**

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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