

APPEAL NO. 150577  
FILED MAY 12, 2015

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 12, 2015, in San Antonio, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the sole disputed issue by deciding that the respondent (claimant) is entitled to reimbursement for travel expenses for medical treatment at the direction of (Dr. D) and (Dr. J) from May 7 through August 28, 2014, in the sum of \$1,123.36. The hearing officer specifically found that the claimant is entitled to reimbursement of \$1,039.36 for travel for treatment by Dr. D between May 7, 2014, and August 28, 2014, and \$84.00 for travel for treatment by Dr. J on May 21, 2014.

The appellant (carrier) only appealed that portion of the hearing officer's determination that the claimant is entitled to reimbursement for travel expenses for medical treatment at the direction of Dr. D, in the amount of \$1039.36. The carrier argues that the hearing officer created a new legal standard and requirement under 28 TEX. ADMIN. CODE § 134.110(a)(1) (Rule 134.110(a)(1)) which allows injured workers to seek reimbursement for travel to any location. The claimant responded, urging affirmance of the hearing officer's determination because the evidence establishes that the claimant was not able to find reasonable medical treatment within 30 miles of where he resides.

The carrier specifically states in its appeal that it does not dispute nor appeal the hearing officer's determination that the claimant is entitled to reimbursement for traveling 150 miles roundtrip to Dr. J, in the amount of \$84.00.

Accordingly that portion of the hearing officer's determination that the claimant is entitled to travel expenses for medical treatment at the direction of Dr. J, on May 21, 2014, in the amount of \$84.00 was not 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 in this case contains one compact disc and contains only one second of sound. The file indicates that there was no court reporter and the file does not contain a transcript, or tape recording of the CCH proceeding. Consequently, we reverse and remand this case to the hearing officer who presided

over the February 12, 2015, CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 060353, decided April 12, 2006.

On remand, the hearing officer is to make a determination on whether the claimant is entitled to reimbursement for travel expenses from May 7 through August 28, 2014, for medical treatment at the direction of Dr. D, and if so, for what amount.

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 **AMERICAN ZURICH 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.**

---

Veronica L. Ruberto  
Appeals Judge

CONCUR:

---

Carisa Space-Beam  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge