

APPEAL NO. 950318

Pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), a contested case hearing (CCH) was held in (city), Texas, on January 9, 1995, (hearing officer) presiding as hearing officer. He determined that the appellant's (claimant) injury of (date of injury), did not extend to her right knee and that the claimant was not entitled to supplemental income benefits (SIBS) for the first and second quarters. Claimant appeals urging that the hearing officer's decision be reversed and a new decision rendered. Respondent (self-insured) argues that the evidence is sufficient to support the decision of the hearing officer and asks for affirmance.

DECISION

Because a record of the CCH is not available for our review, we reverse and remand.

The audio tape of the CCH in this case is blank. There is no indication that a transcript of the proceedings was made by a court reporter.

Section 410.203 requires the Appeals Panel to consider the "record developed at the contested case hearing." The Appeals Panel cannot make a decision in this case on the merits of the appeal and response without a complete record of the evidence presented. Texas Workers' Compensation Commission Appeal No. 94389, decided May 16, 1994; Texas Workers' Compensation Commission Appeal No. 92131, decided May 15, 1992. We must therefore reverse and remand for reconstruction of the record in this case.

The decision and order of the hearing officer are reversed and the case is remanded for reconstruction of the record. 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 Workers' Compensation Commission's division of hearings, pursuant to Section 410.202. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

Stark O. Sanders, Jr.
Chief Appeals Judge

CONCUR:

Joe Sebesta
Appeals Judge

Lynda H. Nesenholtz
Appeals Judge