

## APPEAL NO. 950394

This appeal arises under the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing, originally set for October 5, 1994; however, was ultimately held on February 15, 1995, at (city), Texas, with (hearing officer) presiding as hearing officer. (AD), attorney for appellant (claimant), requested attorney's fees of \$195.00 and \$245.00, which requests were approved "automatically" by the Texas Workers' Compensation Commission (Commission) on September 21 and 27, 1994. Claimant requested a contested case hearing to determine if any portion of the fee awarded was excessive. The hearing officer concluded that the amounts awarded were reasonable and necessary and affirmed the commission orders which approved the fees. Claimant believes she had to do most of the work on her claim herself and therefore requests a review of the decision. The case file contains no response from the attorney for claimant.

### DECISION

Because the second side of the tape which recorded the contested case hearing below is inaudible, we reverse and remand for a reconstruction of that part of the record, so that the Appeals Panel can fully consider the record developed at the contested case hearing. Section 410.203(a)(1).

This case is reversed and remanded for an expedited proceeding to reconstruct a complete record of the hearing, specifically to reconstruct that part of the hearing which was recorded on the second side of the tape. 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:

---

Gary L. Kilgore  
Appeals Judge

---

Alan C. Ernst  
Appeals Judge