

APPEAL NO. 950454

This appeal arises under the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On March 1, 1995, a contested case hearing was held in (city), Texas, with (hearing officer) presiding as hearing officer. The issues involved the occurrence of an injury to the (claimant), the respondent, on November 28, 1993; whether he reported his injury to his employer timely; and whether he had disability as a result of a compensable injury.

The hearing officer agreed that claimant had proven the occurrence of a compensable injury and timely notice to his employer, but that he was laid off and failed to show an inability to obtain and retain employment due to his compensable injury.

The carrier has appealed the injury and notice issues. There is no response from the claimant.

DECISION

We reverse the decision and remand for reconstruction of the record.

Regrettably, and apparently due to a technical failure, the tapes of the hearing are essentially blank (after an initial statement by the hearing officer that he is "testing") and cannot be heard. No transcript was made of the hearing, and we consequently have no record to review.

We therefore remand for reconstruction of the record.

Susan M. Kelley
Appeals Judge

CONCUR:

Stark O. Sanders, Jr.
Chief Appeals Judge

Robert W. Potts
Appeals Judge