

APPEAL NO. 980242
FILED MARCH 23, 1998

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 November 17, 1997, in (City), Texas, with (hearing officer) presiding as hearing officer. With regard to the issues at the CCH, she determined that the respondent (claimant) is entitled to supplemental income benefits for the seventh and eighth quarters. The appellant (carrier) appeals, seeks a reversal of the decision and argues it is contrary to the evidence. The claimant responds and seeks an affirmance of the decision.

DECISION

Because the audiocassette tapes of the proceedings below are missing from the CCH record and have not been furnished to the Appeals Panel after two requests, we reverse and remand for reconstruction of the record, so this panel can fully consider the record developed at the CCH. See Section 410.203(a).

Pending resolution of this 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 Commission's division of hearings pursuant to Section 410.202. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

Christopher L. Rhodes
Appeals Judge

CONCUR:

Stark O. Sanders, Jr.
Chief Appeals Judge

Joe Sebesta
Appeals Judge