

APPEAL NO. 111187
FILED OCTOBER 28, 2011

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 July 27, 2011. With regard to the two issues before him, the hearing officer determined that the compensable injury of (date of injury), extends to an adjustment disorder with mixed anxiety and depressed mood and chronic pain disorder associated with psychological factors and that the first certification of maximum medical improvement and assigned impairment rating from (Dr. A) on June 8, 2007, became final under Section 408.123.

The appellant/cross-respondent (claimant) appealed the finality determination, contending that one or more of the exceptions to finality in Section 408.123(f)(1) were applicable. The respondent/cross-appellant (carrier) cross-appealed the extent-of-injury (EOI) determination, alleging that there was insufficient medical evidence to support the hearing officer's decision on the EOI issue. The carrier responded to the claimant's appeal urging affirmance of the finality determination. The appeal file does not contain a response to the carrier's cross-appeal.

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 appeals file contains two compact discs (CDs). One CD marked "CPU" is completely blank. The other CD marked "Marantz" indicates it contains 45 tracks. The first 44 tracks contain preliminary matters. The 45th track begins as the claimant's attorney is presenting its case in chief by calling the claimant as a witness. The track goes blank at counter 45:10. The "Marantz" CD contains the admission of the exhibits on tracks 13 through 16 but no other evidence. The file indicates that there was no court reporter and the file does not contain a transcript or a tape recording of the CCH proceeding. Consequently, we reverse and remand this case to the hearing officer for reconstruction of the CCH record. See Appeals Panel Decision (APD) 060353, decided April 12, 2006.

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 **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLY-GRAY, PRESIDENT
6907 CAPITOL OF TEXAS HIGHWAY, NORTH
AUSTIN, TEXAS 78755.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Cynthia A. Brown
Appeals Judge

Margaret L. Turner
Appeals Judge