

APPEAL NO. 190446
FILED MAY 1, 2019

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 January 22, 2019, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the date of injury is (date of injury); (2) the appellant (claimant) did not sustain a compensable injury on (date of injury); and (3) because the claimant did not sustain a compensable injury on (date of injury), the claimant did not have disability. The claimant appealed, disputing the ALJ's determinations. The respondent (carrier) responded, urging affirmance of the ALJ's determinations.

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 file contains two recordings of the CCH conducted on January 22, 2019. The first recording ends while the parties were in recess to modify the disability issue, and the second recording ends after eight seconds with no record of the actual modification to the disability period in question or any further testimony. The file does not contain a transcript or a complete audio recording of the proceeding. Consequently, we reverse and remand this case to the ALJ who presided over the January 22, 2019, CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 181019, decided June 13, 2018.

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 ALJ, 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 **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Margaret L. Turner
Appeals Judge