

APPEAL NO. 200139
FILED MARCH 3, 2020

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 December 5, 2019, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue by deciding that the compensable injury of (date of injury), extends to left shoulder grade III AC joint separation, left biceps tendinosis, and left partial tearing of the supraspinatus tendon. The appellant (carrier) appeals the ALJ's determination of the extent of the compensable injury, arguing that the respondent (claimant) did not meet his burden of proof. The claimant responded, urging affirmance of the ALJ's extent-of-injury determination.

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 an audio recording which is 13 minutes and 6 seconds long. The recording abruptly ends mid-sentence during the claimant's partial direct 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 December 5, 2019, CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 190446, decided May 1, 2019.

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 **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Carisa Space-Beam
Appeals Judge