

APPEAL NO. 210136  
FILED MARCH 26, 2021

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 September 1, 2020, with the record closing on December 16, 2020, 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 compensable injury of (date of injury), extends to a right elbow contusion, right shoulder contusion, right forearm strain, and lumbar strain; (2) the compensable injury of (date of injury), does not extend to right shoulder sprain, right shoulder rotator cuff tear, right shoulder joint derangement, left shoulder sprain, right knee sprain, left knee sprain, lumbar sprain, cervical sprain, cervical strain, sacroiliac joint sprain, sacrococcygeal disorder, subacromial bursitis, or subdeltoid bursitis; (3) the appellant (claimant) reached maximum medical improvement (MMI) on July 19, 2018; (4) the claimant's impairment rating (IR) is zero percent; and (5) the claimant had disability from July 23, 2018, through January 26, 2019, resulting from the compensable injury.

The claimant appealed the ALJ's extent-of-injury determination that was adverse to her as well as the ALJ's MMI and IR determinations. The appeal file does not contain a response from the respondent (self-insured) to the claimant's appeal. The ALJ's determinations that the compensable injury of (date of injury), extends to a right elbow contusion, right shoulder contusion, right forearm strain, and lumbar strain and that the claimant had disability from July 23, 2018, through January 26, 2019, were not appealed and have become final pursuant to Section 410.169.

DECISION

Reversed and remanded for reconstruction of the record.

The parties stipulated, in part, that the claimant sustained a compensable injury on (date of injury), that extends to a right elbow contusion and right shoulder contusion. We note that the stipulation contained in Finding of Fact No. 1.E. states the parties also stipulated that the compensable injury extends to a right forearm strain and a lower back strain; however, the parties did not make any stipulations at the CCH regarding those two conditions. The parties also stipulated that the compensable injury does not extend to a left shoulder sprain, right knee sprain, left knee sprain, or sacrococcygeal disorder. The claimant testified she was injured on (date of injury), when she was struck by a vehicle while walking from her car in the employer's parking lot.

The ALJ's decision and order states that the following exhibits were admitted into evidence: ALJ's Exhibits 1 and 2; claimant's Exhibits 1 through 9, and self-insured's

Exhibits A through Z. The claimant's exhibit list states that claimant's Exhibit 2 contains 84 pages; however, the case file forwarded to us for review contains only pages 1 through 61 for claimant's Exhibit 2. Additionally, the self-insured's exhibit list states that Exhibit W contains 25 pages; however, the file contains only pages 1 through 24 for Exhibit W. Further, the file does not contain a self-insured Exhibit Z as stated on the decision and order, and it is unclear from the record whether or not Exhibit Z was offered and admitted into evidence. Because the record is incomplete, it must be remanded for the addition or reconstruction of the missing exhibits. See Appeals Panel Decision (APD) 030543, decided April 18, 2003.

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 **SPRING INDEPENDENT SCHOOL DISTRICT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**DR. RODNEY E. WATSON  
SUPERINTENDENT OF SCHOOLS  
16717 ELLA BOULEVARD  
HOUSTON, TEXAS 77009.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Margaret L. Turner  
Appeals Judge