

APPEAL NO. 210238
FILED MAY 3, 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 was held on September 2, 2020, with the record closing on January 11, 2021, 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 sustained on (date of injury), does not extend to a left shoulder rotator cuff tear, right shoulder rotator cuff tear, right shoulder sprain, right shoulder strain, aggravation of right shoulder rotator cuff tear, aggravation of right shoulder sprain, aggravation of right shoulder strain, spondylosis with myelopathy, lumbar radiculopathy, spinal stenosis of the cervical, idiopathic progressive neuropathy, or cervical disc herniations at C2-3, C3-4, C4-5, or C5-6; (2) the respondent 1/cross-appellant (claimant) reached maximum medical improvement (MMI) on February 7, 2018; and (3) the claimant's impairment rating (IR) is 10%.

The appellant/cross-respondent (self-insured) appealed, disputing the ALJ's determinations of MMI and IR. The case file does not contain a response to the self-insured's appeal from the claimant. The claimant cross-appealed the ALJ's determination of the extent of the (date of injury), compensable injury along with MMI and IR. The self-insured responded to the claimant's appeal, urging affirmance of the extent-of-injury determination.

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), and that the compensable injury extends to a cervical strain and a lumbar strain. The claimant, a teacher, testified that he was injured on (date of injury), when a student pulled a chair out from beneath him as he was sitting down, causing him to fall.

The ALJ's decision states that claimant's exhibits 1 through 12 were admitted into evidence. The claimant's exhibit list states that claimant's exhibit 9 contains 7 pages; however, the file forwarded to us for review contains only 1 page. 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 **HUMBLE INDEPENDENT SCHOOL DISTRICT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**HUMBLE INDEPENDENT SCHOOL DISTRICT
C/O TASB RISK MANAGEMENT FUND
DR. ELIZABETH CELANIA-FAGEN, SUPERINTENDENT OF SCHOOLS
10203 BIRCHRIDGE DRIVE
HUMBLE, TEXAS 77338.**

Cristina Beceiro
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge