

APPEAL NO. 210296  
FILED APRIL 21, 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 right shoulder rotator cuff tear, left shoulder strain, or a left shoulder rotator cuff tear; (2) the appellant (claimant) reached maximum medical improvement (MMI) on July 11, 2017; and (3) the claimant's impairment rating (IR) is one percent. The claimant appealed, disputing the ALJ's determination that the compensable injury of (date of injury), does not extend to a right shoulder rotator cuff tear as well as the ALJ's determinations of MMI and IR. The respondent (self-insured) responded, urging affirmance of the disputed extent-of-injury condition, MMI, and IR determinations. The ALJ's determinations that the compensable injury of (date of injury), does not extend to a left shoulder strain or left shoulder rotator cuff tear 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), and that the compensable injury extends to a right shoulder strain but does not extend to a left shoulder strain or left shoulder rotator cuff tear. The claimant testified that he was injured when a student jumped from a countertop onto his right shoulder, causing them both to fall to the ground.

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.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge