

APPEAL NO. 210406  
FILED MAY 20, 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 February 1, 2021, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the sole disputed issue by deciding that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the fourth quarter. The appellant (carrier) appealed, disputing the ALJ's determination. The appeal file does not contain a response from the claimant to the carrier's appeal.

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 resulted in an impairment rating of 15% or greater; that the claimant has not commuted any portion of the impairment income benefits; and that the fourth quarter of SIBs ran from November 11, 2020, through February 9, 2021, with a corresponding qualifying period that ran from July 30, 2020, through October 28, 2020. The claimant testified he was injured on (date of injury), when he fell through the attic in which he was working.

The ALJ's decision and order states that the following exhibits were admitted into evidence: ALJ's Exhibit 1; claimant's Exhibits 1 through 7, and carrier's Exhibits A through M. The carrier's exhibit list states that carrier's Exhibit M contains 3 pages; however, the case file provided to us for review contains only pages 1 and 2. Because the record is incomplete, it must be remanded for the addition or reconstruction of the missing exhibit. See Appeals Panel Decision (APD) 210136, decided March 26, 2021.

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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RICHARD J. GERGASKO, PRESIDENT  
2200 ALDRICH STREET  
AUSTIN, TEXAS 78723.**

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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