

APPEAL NO. 210421
FILED MAY 14, 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 November 19, 2019, January 14, 2020, and January 21, 2021, with the record closing on March 8, 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 of (date of injury), extends to right ankle sprain, right ankle strain, left ankle sprain, left ankle posterior tibial tendon (PTT) dysfunction, left ankle PTT tear/rupture, left knee strain, left hindfoot planovalgus deformity, and left ankle equinus contracture; (2) the compensable injury of (date of injury), does not extend to right knee sprain, right knee strain, lumbar sprain, lumbar strain, right shoulder sprain, right shoulder strain, left shoulder sprain, left shoulder strain, right ankle PTT dysfunction, left peroneus brevis tendon tear, left knee arthrosis, left knee medial meniscus tear, left knee lateral meniscus tear, left knee degenerative joint disease, left peroneal tendon tenosynovitis, left lower extremity complex regional pain syndrome (CRPS), post-traumatic stress disorder (PTSD), major depressive disorder/depression, or anxiety; (3) the appellant (claimant) reached maximum medical improvement (MMI) on August 26, 2019; (4) the impairment rating (IR) is eight percent, and (5) the claimant had disability from September 1, 2017, through August 26, 2019, resulting from the compensable injury of (date of injury).

The claimant appealed that portion of the ALJ's extent-of-injury determination that was adverse to him, and the ALJ's MMI and IR determinations. The respondent (carrier) responded, urging affirmance of the ALJ's extent of injury, MMI, and IR determinations. The ALJ's determinations that the compensable injury of (date of injury), extends to right ankle sprain, right ankle strain, left ankle sprain, left ankle PTT dysfunction, left ankle PTT tear/rupture, left knee strain, left hindfoot planovalgus deformity, and left ankle equinus contracture and that the claimant had disability from September 1, 2017, through August 26, 2019, resulting from the compensable injury of (date of injury), were not appealed and have become final pursuant to Section 410.169.

DECISION

Reversed and remanded for reconstruction of the record.

The ALJ's decision and order states that the following exhibits were admitted into evidence: ALJ's Exhibits 1 through 7; Claimant's Exhibits 1 through 15, and Carrier's Exhibits A through OO. The exhibit list for the carrier's Exhibit V states it contains 48 pages; however, the case file sent for review does not contain a carrier's Exhibit V, page 39 or 40. Additionally, carrier's Exhibit AA contains 119 pages according to the

carrier's exhibit list, but the case file does not contain page 29. 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 **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TEXAS 75201-3136.**

Cristina Beceiro
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge