

APPEAL NO. 210479
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 March 9, 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), does not extend to C6-7 disc bulge, C6-7 radiculopathy, aggravation to degenerative changes of cervical spine, cervical spondylosis without myelopathy, or cervicalgia; (2) the appellant (claimant) reached maximum medical improvement (MMI) on July 8, 2020; and (3) the claimant's impairment rating (IR) is zero percent. The claimant appealed, disputing the ALJ's determinations. Respondent 1 (self-insured) responded, urging affirmance of the ALJ's determinations. The appeal file does not contain a response from respondent 2 (subclaimant) to the claimant'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 extends to a soft tissue myofascial strain of the paravertebral musculature of the cervical region of the spine. The claimant testified he was injured on (date of injury), while moving a case of water in a pickup truck to make room for two hydraulic fluid buckets he intended to load onto the pickup truck.

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 5, and self-insured's Exhibits A through K. The self-insured's exhibit list states that self-insured's Exhibit G contains 18 pages; however, the case file provided to us for review does not contain page 7 of self-insured's Exhibit G. 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 **CITY OF EDEN (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY OF EDEN
AGAPITO TORRES, MAYOR
120 PAINT ROCK STREET
EDEN, TEXAS 76837.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Margaret L. Turner
Appeals Judge