

APPEAL NO. 210626
FILED JUNE 18, 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 22, 2021, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue by deciding that: the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease, with a date of injury of (date of injury).

The claimant appealed the ALJ's determination of compensability. The respondent (carrier) responded, urging affirmance of the ALJ's determination.

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 Exhibit 1; Claimant's Exhibits 1 through 5; and Carrier's Exhibits A through E. The claimant's exhibit list indicates that Exhibit 5 contains 9 pages of workplace photos; however, the case file sent for review contains only 2 pages of an email thread and a link that states "view photos" that does not function. In the appeal file is correspondence with the ALJ after the issuance of the decision and order which indicates that the claimant did intend to offer the photos as evidence. 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 **STANDARD FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
211 EAST 7TH STREET, SUITE 620
AUSTIN, TEXAS 78701.**

Cristina Beceiro
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge