

APPEAL NO. 210959  
FILED AUGUST 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 (CCH) was held on May 10, 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 arthroplasty infection or a subscapularis tear of the right shoulder; and (2) the appellant (claimant) did not have disability beginning on June 12, 2020, and continuing through the date of the CCH resulting from an injury sustained on (date of injury). The claimant appealed, disputing the ALJ's determinations of extent of injury and disability. The respondent (carrier) responded, urging affirmance of the disputed determinations.

DECISION

Reversed and remanded for reconstruction of the record.

The parties stipulated, in part, that the carrier has accepted a (date of injury), compensable injury in the nature of a right shoulder sprain and a right shoulder strain; (Dr. C) was appointed by the Texas Department of Insurance, Division of Workers' Compensation (Division) as the first designated doctor to address the issues of extent of injury, maximum medical improvement (MMI), and impairment rating (IR); and (Dr. O) was the second doctor appointed by the Division as designated doctor to address the issues of extent of injury, MMI, and IR. The claimant testified that he injured his right shoulder when lifting a case of water.

The ALJ's decision states that claimant's exhibits 1 through 15 were admitted into evidence. The claimant's exhibit list states that exhibit 6 contains 7 pages; however, the file forwarded to us for review contains only 6 pages. Because the record is incomplete, it must be remanded for the addition or reconstruction of the missing exhibit. 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 Division, 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 ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, #620  
AUSTIN, TEXAS 78701-3218.**

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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