

APPEAL NO. 210997
FILED AUGUST 13, 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 May 24, 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 left foot sprain/strain, bilateral shoulder rotator cuff tears, left knee medial meniscus tear, or left knee internal derangement; (2) the appellant (claimant) reached maximum medical improvement (MMI) on September 17, 2019; and (3) the claimant's impairment rating (IR) is nine percent. The claimant appealed, disputing the ALJ's determinations of extent of injury, MMI, and IR. The respondent (carrier) responded, urging affirmance of the disputed determinations.

DECISION

Reversed and remanded.

The parties stipulated, in part, that the carrier has accepted an (date of injury), compensable injury in the nature of a right knee sprain/strain, right rib contusion, right elbow sprain/strain, right wrist sprain/strain, right hand sprain/strain, right shoulder sprain/strain, lumbar sprain/strain, left hand sprain/strain, left wrist sprain/strain, left shoulder sprain/strain, and left knee sprain/strain; (Dr. M) was appointed by the Texas Department of Insurance, Division of Workers' Compensation (Division) as the designated doctor to address the issues of extent of injury, MMI, and IR; and the date of statutory MMI is May 19, 2020. The claimant testified that she was injured on (date of injury), when she fell on uneven pavement while sweeping. We note that in several places in the decision and order the ALJ inadvertently referred to a medical meniscus tear rather than a medial meniscus tear.

The ALJ's decision states that carrier's exhibits A through K were admitted into evidence. The carrier's exhibit list states that carrier's exhibit H contains 6 pages; however, the file forwarded to us for review contains only 4 pages. Additionally, the carrier's exhibit list states that carrier's exhibit I contains 73 pages; however, the file forwarded to us for review contains only 71 pages. 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 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 **XL INSURANCE AMERICA, INC.** 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.**

Margaret L. Turner
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Carisa Space-Beam
Appeals Judge