

APPEAL NO. 211344
FILED SEPTEMBER 29, 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 July 12, 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 left lower limb complex regional pain syndrome, left lower limb chronic pain syndrome, left foot drop, left leg peroneal nerve injury, or peripheral neuropathy of the left lower extremity; (2) the appellant (claimant) reached maximum medical improvement (MMI) on May 19, 2020; and (3) the claimant's impairment rating (IR) is six 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 for reconstruction of the record.

The parties stipulated, in part, that on (date of injury), the claimant sustained a compensable injury; the carrier has accepted a compensable injury in the form of a left ankle sprain and left Achilles' sprain; (Dr. S) 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. The claimant testified that he was injured on (date of injury), when he rolled his ankle while walking on a caliche gravel road.

The ALJ's decision states that claimant's exhibits 1 through 11 were admitted into evidence. The claimant's exhibit list states that exhibit 9 contains 80 pages; however, the file forwarded to us only contains 79 pages, with page 9 missing. Additionally, the ALJ's decision states that carrier's exhibits A through J were admitted into evidence. The carrier's exhibit list states that exhibit E contains 36 pages but the file forwarded to us contains only 34 pages, with pages 23 and 34 missing. 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 **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, SUITE 620
AUSTIN, TEXAS 78701-3218.**

Margaret L. Turner
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Carisa Space-Beam
Appeals Judge