

APPEAL NO. 211462  
FILED OCTOBER 28, 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, and May 11, 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 appellant (claimant) did not sustain a compensable injury on (date of injury); and (2) the claimant did not have disability as a result of the claimed injury of (date of injury), from July 24, 2020, through the date of the CCH. The claimant appealed, disputing the ALJ's determinations of compensability and disability. The respondent (carrier) responded, urging affirmance of the disputed determinations.

DECISION

Reversed and remanded for reconstruction of the record.

Section 410.203(a)(1) requires the Appeals Panel to consider the record at the CCH. There is a partial audio recording in the appeal file. The parties began the hearing on May 10, 2021, but did not take testimony because of problems with the audio connection. The CCH was reconvened the following day, May 11, 2021. The appeal file contains recordings from both May 10, 2021, and May 11, 2021. The recordings include the admission of exhibits, the stipulations of the parties, the opening arguments of the parties, and the direct and cross-examination of the claimant. We note that on the record the ALJ stated that carrier's exhibits A-I were admitted. However, the decision and order reflects that carrier's exhibits A-H were admitted and the record contains carrier's exhibits A-H. The ALJ agreed to take a break to allow the carrier's attorney to text the witness he planned to call to testify so the witness could call in to the proceedings. However, the appeal file does not contain a recording of the testimony provided by the witness called by the carrier. The appeal file does not contain a complete recording of the proceedings. Consequently, we reverse and remand this case to the ALJ who presided over the May 10, 2021, and May 11, 2021, CCHs, if possible, for reconstruction of the record. See Appeals Panel Decision (APD) 201653, decided December 8, 2020.

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 **LM INSURANCE CORPORATION** 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.**

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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