

APPEAL NO. 211650
FILED DECEMBER 2, 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 September 1, 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 compensable injury of (date of injury), extends to complex regional pain syndrome of the right upper extremity and chronic pain syndrome.

The appellant (carrier) appealed the ALJ's determination of extent of injury. Respondent 1 (claimant) responded, urging affirmance of the ALJ's determination. The appeal file does not contain a response from respondent 2 (subclaimant).

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 3; and Carrier's Exhibits A through J. The carrier's exhibit list indicates that Exhibit C is 1 page consisting of an Employer's First Report of Injury; however, this exhibit was missing from the evidence admitted into evidence at the CCH. The carrier's exhibit list indicates that Exhibit E contains 9 pages of diagnostics; however, page 9 of this exhibit was missing from the evidence submitted at the CCH. The carrier's exhibit list indicates that Exhibit F contains 13 pages of operative reports; however, page 13 of this exhibit was missing from the evidence submitted at the CCH. Finally, the carrier's exhibit list indicates that Exhibit G contains 50 pages of medical records; however, page 33 of this exhibit was missing from the evidence submitted at the CCH. Although the missing exhibits were provided to the ALJ on September 14, 2021, they were not considered by the ALJ before his decision was mailed to the parties on September 13, 2021. Because the record at the CCH was 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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RICHARD J. GERGASKO, PRESIDENT
2200 ALDRICH ST.
AUSTIN, TEXAS 78723.**

Cristina Beceiro
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge