

APPEAL NO. 212101  
FILED FEBRUARY 23, 2022

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 22, 2021, with the record closing on November 17, 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 have disability resulting from the compensable injury of (date of injury), beginning on January 17, 2021, and continuing through the date of the CCH; (2) the claimant reached maximum medical improvement (MMI) on August 19, 2020; (3) the claimant's impairment rating (IR) is zero percent; (4) the first certification of MMI and assigned IR from (Dr. K) on January 21, 2021, did not become final under Section 408.123 and 28 Tex. Admin. Code § 130.12 (Rule 130.12); and (5) the compensable injury of (date of injury), does not extend to lumbar facet arthropathy.

The claimant appealed the ALJ's disability, MMI, IR, and extent-of-injury determinations. The appeal file contains no response from the respondent (carrier). The ALJ's determination that the first certification of MMI and assigned IR from Dr. K on January 21, 2021, did not become final under Section 408.123 and Rule 130.12 was not appealed and has become final pursuant to Section 410.169.

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 no audio recording or transcript in the appeal file of the CCH in this case. Consequently, we reverse and remand this case to the ALJ who presided over the September 22, 2021, CCH, if possible, for reconstruction of the record. See Appeals Panel Decision (APD) 201653, decided December 8, 2020.

Additionally, there are discrepancies between the claimant's exhibit list and the claimant's exhibits provided for review. The claimant's exhibit list states claimant's exhibit 3 contains 10 pages; however, page 1 of exhibit 3 is blank. The claimant's exhibit list also states that claimant's exhibit 4 contains 5 pages, but page 1 of exhibit 4 is blank. The claimant's exhibit list states claimant's exhibit 2 contains 10 pages, and we note that page 1 of that exhibit is not blank. It is unclear whether the record is complete; therefore, this case is also remanded for the ALJ to determine whether the record is complete. See APD 030543, decided April 18, 2003; and APD 210136, decided March 26, 2021.

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 **THE TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
d/b/a CSC-LAWYERS INCORPORATING SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Margaret L. Turner  
Appeals Judge