

APPEAL NO. 220456
FILED MAY 12, 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 January 31, 2022, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue in (Docket No. 1) by deciding that the appellant (claimant) did not sustain a compensable injury on (date of injury 1). The ALJ resolved the disputed issues in (Docket No. 2) by deciding that: (1) the claimant did not sustain a compensable injury on (date of injury 2), and (2) because the claimant did not sustain a compensable injury on (date of injury 2), the claimant did not have disability from February 4, 2021, through the date of the CCH. The claimant appealed, disputing the ALJ's determinations in both docket numbers. 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 developed at the CCH. There was an audio recording in the appeal file but the recording abruptly stopped while the ombudsman was presenting the claimant's opening argument before any testimony was taken. The file does not contain a transcript of the proceeding. Consequently, we reverse and remand this case to the ALJ who presided over the January 31, 2022, CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 190446, decided May 1, 2019.

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
2220 ALDRICH STREET
AUSTIN, TEXAS 78723.**

Margaret L. Turner
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Carisa Space-Beam
Appeals Judge