

APPEAL NO. 220792  
FILED JULY 1, 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 March 1, 2022, and April 4, 2022, 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 of (date of injury), does not extend to herniated nucleus pulposus/bulge at C4-5, C5-6, C6-7, L1-2, L2-3, L4-5, or L5-S1, or aggravation of lumbar spondylosis at L3-5; (2) the appellant (claimant) reached maximum medical improvement (MMI) on February 2, 2021; (3) the claimant's impairment rating (IR) is five percent; and (4) the first certification of MMI and assigned IR from (Dr. F), designated doctor, on March 31, 2021, became final under Section 408.123 and 28 Tex. Admin. Code § 130.12 (Rule 130.12).

The claimant appealed the ALJ's determinations of extent of injury, MMI, IR, and finality. The respondent (self-insured) responded, urging affirmance of the ALJ's determinations.

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 8; and Self-Insured's Exhibits A through E. Claimant's Exhibits 7 and 8 are missing from the record. Because the record at the CCH was incomplete, it must be remanded back to the ALJ who presided over the March 1, 2022, and April 4, 2022, CCHs, if possible, 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 **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**(NAME)**  
**(ADDRESS)**  
**(CITY), TEXAS (ZIP CODE).**

---

Cristina Beceiro  
Appeals Judge

CONCUR:

---

Carisa Space-Beam  
Appeals Judge

---

Margaret L. Turner  
Appeals Judge