

APPEAL NO. 231556
FILED DECEMBER 21, 2023

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 August 23, 2023, with the record closing on September 7, 2023, 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 employer tendered bona fide offers of employment to the appellant (claimant) dated March 20, 2023, April 18, 2023, and May 8, 2023; and (2) the claimant did not have disability resulting from the compensable injury from March 21, 2023, through June 13, 2023. The claimant appealed, disputing the ALJ's determinations. 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 is a partial audio recording in the appeal file. The recording includes the admission of exhibits, the stipulations of the parties, the opening arguments of the parties, and the direct, cross, and redirect examination of the claimant. (Ms. T), the Supervisor of Human Resources (HR) and HR Shared Services, testified on behalf of the carrier; however, the recording cuts out during the direct examination of Ms. T. 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 August 23, 2023, CCH, if possible, for reconstruction of the record. See Appeals Panel Decision (APD) 201653, decided December 8, 2020. We also note that in Conclusion of Law No. 3, the ALJ wrote the date of the last bona fide offer of employment as "May 8, 202" instead of "May 8, 2023."

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 **mitsui sumitomo insurance company of america** 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.**

Cristina Beceiro
Appeals Judge

CONCUR:

Carisa Space-Beam
Appeals Judge

Margaret L. Turner
Appeals Judge