

No. 2019 - 5831

Confidential Information Redacted
Texas Labor Code §§402.083 & 402.092

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: JAN 03 2019

Subject Considered:

DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD
P.O. Box 619428
Dallas, Texas 75261-9428

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 17336

General remarks and official action taken:

The commissioner of workers' compensation (commissioner) considers whether disciplinary action should be taken against Dallas Fort Worth International Airport Board (DFW-IAB).

WAIVER

DFW-IAB acknowledges that the Texas Labor Code and other applicable laws provide certain rights. DFW-IAB waives all of these rights and any other applicable procedural rights in consideration of the entry of this consent order.

FINDINGS OF FACT

The commissioner makes the following findings of fact:

1. DFW-IAB is a self-insured government entity that provides workers' compensation benefits to its employees in accordance with TEX. LAB. CODE ch. 504.
2. DFW-IAB was not classified in the 2007, 2009, 2010, 2012, 2014, or 2016 Performance Based Oversight (PBO) assessments.

**FAILURE TO TIMELY PAY TEMPORARY INCOME BENEFITS
FOR THE INITIAL WEEK OF DISABILITY**

3. On [REDACTED] DFW-IAB received notice of an injury to an injured employee.
4. The initial week of disability (the waiting period) was [REDACTED] through [REDACTED] [REDACTED] and the injured employee incurred 14 days of disability on [REDACTED]. Therefore, payment for the waiting period was due no later than [REDACTED].
5. DFW-IAB issued payment for the waiting period on [REDACTED] which was 459 days late.

ASSESSMENT OF PENALTY

6. Failure to provide appropriate income benefits in a manner that is timely and cost-effective is harmful to injured employees and to the workers' compensation system of the state.
7. DFW-IAB acknowledges harm to the system and agrees that the penalty assessed is reasonable.
8. In assessing the penalty for this case, the commissioner appropriately and fully considered the following factors set forth in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e):
 - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
 - the history and extent of previous administrative violations;
 - the demonstrated good faith of the violator, including actions taken to rectify the consequences of the prohibited act;
 - the penalty necessary to deter future violations;
 - whether the administrative violation has negative impact on the delivery of benefits to an injured employee;
 - the history of compliance with electronic data interchange requirements;
 - other matters that justice may require, including but not limited to:
 - PBO assessments;
 - the promptness and earnestness of actions to prevent future violations;
 - self-report of the violation;
 - the size of the company or practice;
 - the effect of a sanction on the availability of health care; and
 - evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and Texas Department of Insurance, Division of Workers' Compensation (DWC) rules; and
 - to the extent reasonable, the economic benefit resulting from the prohibited act.
9. DFW-IAB acknowledges that in assessing the penalty, the commissioner appropriately and fully considered the relevant applicable factors set forth in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e).
10. DFW-IAB acknowledges that this consent order sufficiently communicates information about the penalty, including the relevant statutes or rules violated, the conduct giving rise to the violations, and the factors considered in determining the penalty.

CONCLUSIONS OF LAW

The commissioner makes the following conclusions of law:

1. The commissioner has jurisdiction over this matter pursuant to TEX. LAB. CODE §§ 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 414.002, 414.003, 415.002, and 415.021.

Confidential Information Redacted
Texas Labor Code §§402.083 & 402.092

2019 5831

2. The commissioner has authority to informally dispose of this matter as set forth under TEX. GOV'T CODE § 2001.056, TEX. LAB. CODE § 402.00128(b)(7), and 28 TEX. ADMIN. CODE § 180.26(h).
3. Pursuant to TEX. LAB. CODE § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
4. Pursuant to TEX. LAB. CODE § 415.002(a)(22), an insurance carrier or its representative commits an administrative violation each time it fails to comply with a provision of the Texas Workers' Compensation Act.
5. Pursuant to TEX. LAB. CODE §§ 408.081, 408.082, and 409.023, an insurance carrier is required to pay temporary income benefits (TIBs) for the initial week of disability if disability continues for two weeks or longer after the date it begins.
6. DFW-IAB violated TEX. LAB. CODE § 415.002(a)(22) when it failed to timely pay TIBs for the initial week of disability after two weeks of disability.

ORDER

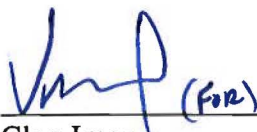
Dallas Fort Worth International Airport Board is ORDERED to pay an administrative penalty of \$5,000 within 30 days from the date of this consent order.

The administrative penalty must be paid by company check, cashier's check, or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement, MC 9999, P.O. Box 149104, Austin, Texas, 78714-9104.



Cassie Brown 
Commissioner of Workers' Compensation

Approved as to Form and Content:



Glen Imes
Staff Attorney, DWC Enforcement
Texas Department of Insurance

Confidential Information Redacted
Texas Labor Code §§402.083 & 402.092

