

No. 2023-8323

**Official Order
of the
Texas Commissioner of Insurance**

Date: 11/6/2023

Subject Considered:

Texas Department of Insurance v.
Jeniecia Bethea

SOAH Docket No. 454-23-15943.C

Order Denying Request for a New Hearing

General Remarks and Official Action Taken:

The subject of this order is Jeniecia Bethea's request for a new hearing concerning her application for a limited lines license. This order denies Ms. Bethea's request.

Background

On July 18, 2023, Commissioner's Order No. 2023-8083 was issued, denying Ms. Bethea's application for a limited lines license. The order was issued following Ms. Bethea's failure to appear for a hearing on the merits.

Ms. Bethea mailed a request for a new hearing to the Texas Department of Insurance (TDI) with a postmark date of October 18, 2023. The request was received by TDI on October 20, 2023.

Discussion

Under 28 Tex. Admin. Code § 1.89(d), a motion to set aside the default order and reopen the record shall be filed with the commissioner prior to the time that the order becomes final under the provisions of Government Code Chapter 2001. The section also states that a motion to set aside the default order and reopen the record is not a motion for rehearing and is not to be considered a substitute for a motion for rehearing, and that the filing of a motion to set aside the default order and reopen has

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no effect on either the statutory time periods for the filing of a motion for rehearing or on the time period for ruling on a motion for rehearing.

Under Government Code § 2001.146, a motion for rehearing must be filed no later than the 25th day after the date the order is signed.

Ms. Bethea did not mail her request for a new hearing to TDI until more than 90 days after the default order denying her application was issued, well past the deadline set by Government Code § 2001.146 to file a motion for rehearing. Therefore, Ms. Bethea's request for a new hearing must be denied.

Order

It is ordered that Jeniecia Bethea's request for a new hearing is denied.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

Recommended and reviewed by:

DocuSigned by:

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Jessica Barta, General Counsel

DocuSigned by:

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Justin Beam, Chief Clerk