

APPEAL NO. 011634
FILED AUGUST 22, 2001

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 May 22, 2001, with the record closing on June 20, 2001. The hearing officer determined that the respondent (claimant) sustained a compensable herniated disc injury on _____; that the claimant gave timely notice of the injury pursuant to Section 409.001; that the claimant is not barred from pursuing workers' compensation benefits because of an election of remedies; and that the claimant had disability from November 29, 2000, through the date of the CCH.

The appellant (carrier) appeals all the issues on various grounds. The claimant responds, urging affirmance.

DECISION

Reversed and remanded.

This case is remanded for the sole purpose of compliance with HB2600 amending Section 410.164, effective June 17, 2001. Section 410.164 was amended by the addition of subsection (c), which provides as follows:

- (c) At each [CCH], as applicable, the insurance carrier shall file with the hearing officer and shall deliver to the claimant a single document stating the true corporate name of the insurance carrier and the name and address of the insurance carrier's registered agent for service of process. The document is part of the record of the [CCH].

The procedure for implementing the statutory amendment is in the June 19, 2001, Texas Workers' Compensation Commission (Commission) memorandum to hearing officers, entitled: "RE: Required Insurance Carrier Information."

Although the CCH was commenced on May 22, 2001, the hearing officer recites that the record was not closed until June 20, 2001, three days after the effective date of the amendment to Section 410.164 and one day after the hearing officers were sent the memorandum entitled "Required Insurance Carrier Information." Consequently, the required information should have been placed in the decision and delivered to the claimant.

A rehearing on remand is required to obtain this information and admit it into the record. The hearing officer may reissue his original decision, as the Decision on Remand, with the added information, or he may incorporate by reference the original decision into a Decision on Remand, with the added information, requiring that the information be delivered to the claimant.

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 hearing officer, 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 Commission's Division of Hearings, pursuant to Section 410.202 (amended June 17, 2001).

Thomas A. Knapp
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge