

APPEAL NO. 011658
FILED SEPTEMBER 4, 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 was held on June 1, 2001, with the record closing on June 23, 2001. With respect to the disputed issues before her, the hearing officer determined that the Texas Workers' Compensation Commission (Commission) has jurisdiction to determine the identity of the respondent's (claimant) employer for workers' compensation purposes; that claimant was the employee of TF on the date of injury; that claimant was not the borrowed servant of the appellant self-insured, LP on the date of injury; and that LP has not waived its right to assert that claimant was its borrowed servant on the date of injury. On appeal, LP contends that the determination that claimant was the employee of TF on the date of injury is against the great weight and preponderance of the evidence. Claimant urges affirmance.

DECISION

We reverse and remand.

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 contested case hearing, 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 contested case hearing.

The hearing officer procedure for implementing this statutory amendment is in the June 19, 2001, Commission memorandum to hearing officers, and states "RE: Required Insurance Carrier Information."

A rehearing on remand is required to obtain this information from both the carrier and the self-insured, ensure that both deliver a copy of the document to the claimant and admit the document into the record. The hearing officer may reissue her original decision, as the Decision on Remand, with the added information, or she may incorporate by reference the original decision into a Decision on Remand, with the added information.

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). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Philip F. O'Neill
Appeals Judge