

APPEAL NO. 011675
FILED AUGUST 23, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on June 20, 2001, the hearing officer concluded that the appellant/cross-respondent (claimant) is not entitled to supplemental income benefits (SIBs) for the fifth and sixth quarters; that the respondent/cross-appellant (carrier) is relieved from liability for the entire fifth quarter because of the claimant's failure to file a SIBs application for that quarter; that the carrier is relieved from liability for the sixth quarter period from March 23 through March 28, 2001, because of the claimant's failure to timely file her sixth quarter SIBs application; and that the claimant has permanently lost entitlement to SIBs pursuant to Section 408.146(c) because she was not entitled to SIBs for 12 consecutive months. The claimant has appealed these determinations on evidentiary sufficiency grounds. The carrier filed a "Conditional Appeal," urging that, in the event the claimant filed an appeal, the carrier appeals the findings that the claimant's underemployment during the fifth and sixth quarter filing periods was a direct result of her impairment from the compensable injury. The carrier filed a response to the claimant's appeal. The file does not contain a response to the carrier's conditional appeal.

DECISION

Reversed and remanded.

This case is remanded for the sole purpose of compliance with House Bill 2600 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 [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 [hearing].

The procedure for implementing the statutory amendment is contained in the June 19, 2001, Texas Workers' Compensation Commission (Commission) Memorandum to hearing officers entitled "Required Insurance Carrier Information." A rehearing on remand is required to obtain this information and admit it into the hearing record.

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).

Philip F. O'Neill
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge