

APPEAL NO. 011728
FILED SEPTEMBER 7, 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 July 3, 2001. With respect to the single issue before her, the hearing officer determined that the appellant/cross-respondent (claimant) had disability from August 5, 2000, through January 26, 2001, as a result of his _____, compensable injury. The claimant appeals and argues that the evidence supported a determination of disability from the period of August 5, 2000, through the date of the hearing, July 3, 2001. In its cross-appeal, the respondent/cross-appellant (carrier) argues that sufficient evidence does not exist to support a determination of any period of disability. The carrier responded to the claimant's appeal, urging that even the shorter period of disability decided by the hearing officer was not sufficiently supported by the record. The claimant did not file a response to the carrier's appeal.

DECISION

Reversed and remanded.

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

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].

In this case, the address provided for the registered agent was a post office box, where personal service of process cannot be effectuated. Therefore, we remand so that a street address may be provided by the carrier for its registered agent for service of process, in order to carry out the purpose of the legislation. In addition, we note that the adjuster was listed as the registered agent for the carrier on Hearing Officer's Exhibit No. 2. We question whether the adjuster is actually the carrier's registered agent for service of process; thus, on remand, the hearing officer should ensure that the proper registered agent is identified and that a street address for the agent is provided.

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 Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202, which was amended June 17, 2001, to exclude Saturdays,

Sundays, and holidays listed in the Texas Government Code in the computation of the 15-day appeal and response periods.

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge