

APPEAL NO. 011731
FILED SEPTEMBER 10, 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 April 25, 2001, with the record closing on June 22, 2001. She determined that the designated doctor had not fulfilled his role as such, and, because the appellant (claimant) should be examined by another designated doctor, held that the matter of impairment rating (IR) was not ripe for decision. On the second issue, she held that the claimant's injury did not extend to his left shoulder.

The extent-of-injury issue has not been appealed. However, the claimant has appealed the determination that a second designated doctor should be appointed. The claimant argues that he "went back" to the designated doctor when that doctor's first IR was questioned, resulting in a second IR of 25% that should be given presumptive weight. The respondent (carrier) responds that the amended IR was performed *sua sponte* by the designated doctor, and not as the result of a reexamination, and that the doctor thereafter failed to answer the hearing officer's questions about the basis for the change. The carrier endorses the appointment of a second designated doctor and does not urge, as it did at the CCH, that the IR of the carrier's doctor should be adopted.

DECISION

Reversed and remanded.

Because the record was held open beyond June 17, 2001, we remand for furnishing of information concerning the name of the carrier and the name and street address of its registered agent. This requirement resulted from an amendment to Section 410.164 that came about as a result of HB2600, effective June 17, 2001, which provides as follows:

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].

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 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

Susan M. Kelley
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Philip F. O'Neill
Appeals Judge