

APPEAL NO. 011732
FILED AUGUST 29, 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 June 28, 2001. With regard to the issues before her, the hearing officer determined the following:

1. The appellant (claimant) did not sustain an injury while in the course and scope of employment on or about _____;
2. The claimant did not timely report an injury to the employer; and
3. The claimant did not have disability.

The claimant appealed the hearing officer's determinations. The respondent (carrier) urges affirmance.

DECISION

Reversed and remanded for complete information concerning the carrier's agent for service of process.

We must remand 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 [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].

In this case, the address provided for the registered agent was the name of the carrier and a post office box, where service of process cannot be effectuated. Therefore, we remand so that a street address may be provided by the carrier for its registered agent, in order to carry out the purpose of the legislation.

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.

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge