

APPEAL NO. 011777
FILED SEPTEMBER 14, 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 19, 2001, with the record closing on June 28, 2001. With regard to the issues before her, the hearing officer determined that she did not have jurisdiction to determine whether the respondent's (claimant herein) compensable injury extended to include depression as it had been determined at an earlier CCH and in Texas Workers' Compensation Commission Appeal No. 990744, decided May 26, 1999, that the claimant injury extended to and included depression and neither the earlier CCH decision or the decision in Appeal No. 990744 had ever been appealed. The appellant (carrier herein) files a request for review, arguing that the hearing officer erred and requests we render a decision that the claimant's compensable injury does not include a psychological injury diagnosed as depression. The claimant responds that the hearing officer did not err in her decision.

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 [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].

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. See Texas Workers' Compensation Commission Appeal No. 011533-S, decided August 6, 2001.

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.

Gary L. Kilgore
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge