

APPEAL NO. 011783
FILED SEPTEMBER 21, 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 June 19, 2001, with the record closing on June 26, 2001. With respect to the issues before him, the hearing officer determined that the respondent/cross-appellant (claimant) sustained a compensable injury on _____, but that he had no resultant disability. The hearing officer further determined that the appellant/cross-respondent's (carrier) contest of compensability, which was filed more than 60 days after the date the carrier received written notice of the injury, was based on newly discovered evidence which could not have been discovered earlier. In its appeal, the carrier asserts that the hearing officer's injury determination is against the great weight of the evidence. In his cross-appeal, the claimant asserts error in the hearing officer's determinations that the carrier's contest of compensability was based on newly discovered evidence and that the claimant did not have disability as a result of his compensable injury. In its response to the claimant's appeal, the carrier urges affirmance. The appeal file does not contain a response to the carrier's appeal from the claimant.

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].

The procedure to be used 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 the required information from the carrier and to admit it into evidence.

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, which was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in the Government Code in the computation of the 15-day appeal and response periods.

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert W. Potts
Appeals Judge