

APPEAL NO. 011788
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 July 9, 2001. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease on _____, and that the respondent (self-insured) would nonetheless be relieved of liability under Section 409.002 of the 1989 Act because the claimant did not timely notify her employer pursuant to Section 409.001. The claimant appeals on sufficiency grounds and seeks reversal. There is no response in the file from the self-insured.

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 self-insured for its registered agent for service of process, in order to carry out the purpose of the legislation.

In addition, we note that page four of the hearing officer's decision in this case is a page from the decision of a different hearing officer related to another case. Our attempt to obtain the fourth page of this decision proved unsuccessful. Thus, in the remand decision, an effort should be made to include the missing page from this decision along with the required carrier information.

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

Thomas A. Knapp
Appeals Judge