

APPEAL NO. 011799
FILED SEPTEMBER 18, 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 26, 2001. The appellant (claimant) appeals the hearing officer's determinations that the claimant did not sustain a compensable injury and that the respondent (carrier) did not waive its right to contest compensability. The hearing officer's determination that the carrier is not relieved of liability under Section 409.002 because the claimant gave timely notice of his injury has not been appealed. The carrier responds, urging affirmance.

DECISION

Reversed and remanded.

This case is remanded for the purpose of compliance with HB2600 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].

In this case, the carrier provided the name and address of a registered agent in Missouri. As explained in Texas Workers' Compensation Commission Appeal No. 011845-S, decided September 11, 2001, the carrier is required to provide a physical address of a registered agent for service of process in Texas. Therefore, the case is remanded for the carrier to provide the required information for its registered agent in Texas. In addition, the carrier gave its adjustor's name as the name of its registered agent for service of process, which we believe may be questionable and should be asked about on remand.

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. Saturdays and

Sundays and holidays listed in Section 662.003 of the Government Code are not included in the computation of the time.

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge