

APPEAL NO. 011841
FILED SEPTEMBER 26, 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 July 12, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that the claimant had disability as a result of the compensable injury of _____, from May 31, 2000, through June 18, 2000, and from September 1, 2000, through November 15, 2000. The appellant (carrier) appealed the hearing officer's decision on the disability issue. No response was received from the claimant. There is no appeal of the hearing officer's decision that the claimant sustained a compensable injury on _____.

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 address provided on the carrier's information form for the person identified as the registered agent is 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. See Texas Workers' Compensation Commission Appeal No. 011587, decided August 24, 2001. In addition, the carrier provided the name of its adjustor (the person who took the claimant's recorded statement) as the name of its registered agent for service of process, which is questionable and should be asked about on remand so that the correct name and address of the carrier's registered agent in Texas for service of process can be obtained 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, which was amended June 17, 2001, to exclude Saturdays

and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods.

Robert W. Potts
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge