

APPEAL NO. 011846  
FILED SEPTEMBER 27, 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 18, 2001. She determined that the compensable injury sustained by the respondent (claimant) on \_\_\_\_\_, extends to and includes his cervical spine, impingement syndrome, and a rotator cuff tear in his right shoulder, and that claimant had disability beginning on June 30, 2000, and continuing through the date of the hearing. Appellant (carrier) contends that these determinations are against the great weight and preponderance of the evidence and argues that the hearing officer abused her discretion in denying carrier's request for a subpoena duces tecum. Claimant urges affirmance.

DECISION

We reverse and remand.

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 Vermont. As explained in Texas Workers' Compensation Commission Appeal No. 011845-S, decided September 11, 2001, carrier is required to provide a physical address of a registered agent for service of process in Texas. Therefore, the case is remanded for carrier to provide the required information for its registered agent in Texas.

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 Texas Government Code are not included in the computation of the time.

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Robert W. Potts  
Appeals Judge