

APPEAL NO. 011849  
FILED SEPTEMBER 19, 2001

Following a contested case hearing (CCH) held on July 2, 2000, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer resolved the disputed issues by determining that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_; that the injury extends to and includes the claimant's back, left knee (meniscus tear), left ankle, and cervical spine; and that the claimant has had disability resulting from the injury from February 8, 2001, through the date of the hearing. The appellant (carrier) has appealed the sufficiency of the evidence to support these determinations, stressing various inconsistencies in the claimant's testimony and her refusal, upon advice of counsel, to attend a functional capacity evaluation to which she was referred to by the carrier's required medical examination doctor. The claimant urges in the response that the evidence is sufficient to support the appealed findings.

DECISION

Reversed and remanded.

This case is remanded for the sole purpose of compliance with House Bill 2600, 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].

The procedure 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 this information and admit it into the record.

Although the hearing officer's decision and order reflects that the carrier information was admitted into evidence as Hearing Officer's Exhibit No. 2, no such exhibit accompanied the record. Further, there was no mention at the hearing of such exhibit.

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 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Robert W. Potts  
Appeals Judge