

APPEAL NO. 011879
FILED OCTOBER 1, 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 April 2, 2001 with the record closing on July 17, 2001. The hearing officer determined that the respondent (claimant) did sustain a new compensable injury on _____, and that she had disability as a result of her compensable injury from January 27, 2001, through the date of the CCH, July 17, 2001. The appellant (self-insured) appeals on sufficiency of the evidence grounds. The claimant did not submit a response to the appeal.

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].

The procedure for implementing this statutory amendment is 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 there is a document in the file which purports to be the carrier information document, we note that the appellant in this case calls itself an "independent school district, a self-insured governmental entity." It is well-settled that an independent school district may sue or be sued as a corporate entity. In order to properly invoke district court jurisdiction, the claimant must know the self-insured's true corporate name and agent for service of process. The true corporate name shown for the (employer) is "Cambridge Integrated Services Group, Inc.," but there is no explanation for the discrepancy between these names. We remand for obtaining the correct information or a legally sufficient explanation for the discrepancy. The hearing officer may reissue her original decision, as the Decision on Remand, with the added information, or she may incorporate by reference the original decision into a Decision on Remand, with the added 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 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.

Michael B. McShane
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge