

APPEAL NO. 011906
FILED SEPTEMBER 21, 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 17, 2001. The hearing officer determined that the appellant (claimant) had not sustained a compensable repetitive trauma injury on _____, but that the claimant knew or should have known that he had an injury on _____, and that he timely reported his alleged injury to his employer. The hearing officer's decision on timely notice to the employer has not been appealed and has become final.

The claimant appealed, contending that, while working for the employer, he sustained a compensable injury in the form of carpal tunnel syndrome of the right hand and bilateral cubital tunnel syndrome and that his position is supported by medical evidence. The respondent (carrier) responds, urging affirmance and citing contrary evidence.

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].

At the CCH, the parties stipulated that the carrier was the Insurance Company of the State of Pennsylvania, and the hearing officer admitted into evidence, as Hearing Officer's Exhibit No. 2, the Insurance Carrier Information form. Unfortunately, the only Insurance Carrier Information form in the file is a facsimile sheet, which states in part:

CARRIER'S TRUE CORPORATE NAME:
AIG policy claim handled by contract by ESIS

ESIS: agent for service:
Dallas office - Marcus Merritt
6600 Campus Circle Dr. E, Suite 200
Irving, TX 75063

Section 410.164(c) requires the carrier's "true corporate name," not the adjusting firm, and the carrier's "registered agent for service of process" which in this case may, or

may not, be ESIS. We further note that this information is to be delivered to the claimant. It is not clear from the record whether that was done and in fact the Insurance Carrier Information form that was submitted with the file was only the facsimile sheet and was not marked as Hearing Officer's Exhibit No. 2.

We remand the case for compliance with Section 410.164(c).

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.

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge