

APPEAL NO. 011912
FILED SEPTEMBER 18, 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 commenced on April 5, 2001, and concluded on July 3, 2001. With regard to the issues before him, the hearing officer determined that the appellant (claimant) did not have a compensable injury on _____, and that the claimant does not have disability.

The claimant appeals on sufficiency of the evidence grounds, and asserts that he had sustained an injury and had disability from July 18, 2000, through the date of the CCH. The respondent (carrier) responds, urging affirmance.

DECISION

Reversed and remanded.

The claimant's appeal was timely as calculated by Section 410.202, amended effective June 17, 2001, by Article 12, House Bill 2600.

House Bill 2600 amended Section 410.164 by the addition of subsection (c), which provides:

- (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 parties stipulated that the carrier was Continental Casualty Company, and the hearing officer admitted Hearing Officer's Exhibit No. 3, which is identified as "§ 410.164(c) statement." In fact, Hearing Officer's Exhibit No. 3 states:

INSURANCE CARRIER INFORMATION
FOR

CLAIMANT:

DOCKET NO.

CARRIER'S TRUE CORPORATE NAME:

Transcontinental Ins. Co.

NAME AND ADDRESS OF THE INSURANCE CARRIER'S REGISTERED AGENT FOR SERVICE OF PROCESS

CT Corporation
850 St. Paul Ave.
Dallas, TX[.]

There is no explanation whether Continental Casualty Company and Transcontinental Insurance Company are one and the same or not. Section 410.164(c) requires the "true corporate name" and that is the name that should be reflected in the style of the case and in the stipulation, as well as on the Insurance Carrier Information form. We further note that the Insurance Carrier Information form does not have a zip code. The hearing officer should ensure that the stipulation, style of the case, and the carrier's insurance information are consistent and complete.

The case is remanded for the required 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 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:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge