

APPEAL NO. 011913
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 17, 2001. With regard to the four issues before him, the hearing officer determined that (1) the respondent (claimant) sustained a compensable repetitive trauma injury; (2) the claimant has disability beginning _____, and continuing to the date of the CCH; (3) the claimant timely notified the employer of her injury pursuant to Section 409.001; and (4) the date of injury is _____. The appellant (carrier) appeals the adverse findings based on insufficiency of the evidence and cites evidence that supports its position. The claimant responds, urging affirmance.

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 style of this case shows (carrier A) as the carrier, as does the stipulation on page 9 of the transcript. However, Hearing Officer's Exhibit No. 2, admitted without objection, has the name of carrier A marked out and underneath is written (carrier B). There is no indication who made the changes or when carrier A's name was marked out and carrier B's name substituted. In any event, the parties stipulated that carrier A was the carrier (and the style so reflects) whereas the Insurance Carrier Information sheet required by Section 410.164(c) shows carrier B. The case is remanded for correction and compliance with Section 410.164(c). A remand procedure is required in order that the carrier, whoever it may be, "deliver to the claimant a single document stating the true corporate name of the insurance carrier"

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:

Robert E. Lang
Appeals Panel
Manager/Judge

Michael B. McShane
Appeals Judge