

APPEAL NO. 011965
FILED OCTOBER 4, 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 was held on July 16, 2001. With respect to the issue before him, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the seventh and eighth quarters. In her appeal, the claimant essentially argues that the determinations that she had some ability to work in the relevant qualifying periods and that she is not entitled to SIBs for the seventh and eighth quarters are against the great weight of the evidence. In its response, the respondent (carrier) urges affirmance.

DECISION

Reversed and remanded.

This case is remanded for the purpose of obtaining 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 [hearing], 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 [hearing].

In this case, the carrier provided the name and address of a registered agent in New York. As explained in Texas Workers' Compensation Commission Appeal No. 011845-S, decided September 11, 2001, the carrier is required to provide a physical address of a registered agent for service of process in Texas. Therefore, the case is remanded for the carrier to provide the required information for its registered agent in Texas.

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. Saturdays,

Sundays, and holidays listed in Section 662.003 of the Government Code are not included in the computation of the time.

Elaine M. Chaney
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge