

APPEAL NO. 012180
FILED OCTOBER 17, 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 August 21, 2001. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) did not fail to comply with the Texas Workers' Compensation Commission (Commission) rule regarding change of treating doctors; that the Commission did not abuse its discretion in approving the claimant's request to change treating doctors from Dr. B to Dr. A; and that the claimant had disability resulting from his compensable injury of August 20, 2000, from September 2, 2000, through the date of the CCH. The appellant (carrier) appealed and the claimant responded.

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].

In this case, the carrier's information form (Hearing Officer's Exhibit No. 2) provides an out-of-state address for its registered agent for service of process. 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. This case is remanded for the carrier to provide the required information for its registered agent for service of process 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 Commission's Division of Hearings, pursuant to Section 410.202, which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in

Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods.

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge