

APPEAL NO. 012204
FILED OCTOBER 29, 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 16, 2001. The hearing officer decided the disputed issue of whether the respondent (claimant) had disability resulting from an injury sustained on _____, and the periods of disability, favorably for the claimant. The appellant (self-insured) appealed Findings of Fact Nos. 4, 5, and 6, and Conclusion of Law No. 4 as unsupported by the evidence. The self-insured also states that the hearing officer's determination regarding payment of temporary income benefits was in error. The claimant responded, urging affirmance.

DECISION

Reversed and remanded.

This case must be remanded for the purpose of obtaining compliance with HB2600, which amended Section 410.164, effective June 17, 2001. Section 410.164 was amended by the addition of subsection (c), which provides as follows:

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, Hearing Officer's Exhibit No. 2 purports to be the insurance carrier information, but it is ambiguous. The typed-in name and address of the carrier's registered agent for service of process is:

Tommy Alexander, Superintendent,
Texas Association of School Boards,
East Texas Office,
P. O. Box 58,
Canton, TX 75103.

Only the line containing the words "Texas Association of School Boards" is lined through in red ink, and the following words are added to the Exhibit, also in red ink:

Trinity Valley Community College,
100 Cardinal,
Athens, TX 75751.

This leaves us with addresses in two cities. A post office box is not acceptable as an

address for service of process, and recognition of that fact is likely why the pen and ink changes were made to the information, but the current information remains ambiguous. This matter needs to be clarified on remand.

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, which was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in the Texas Government Code in the computation of the 15-day appeal and response periods.

Michael B. McShane
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge