

APPEAL NO. 012358
FILED NOVEMBER 19, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing (CCH) was held on September 11, 2001. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable repetitive trauma injury with a date of injury of _____; that the claimant timely notified the respondent (self-insured) of her claimed injury; and that the claimant's compensable injury of _____, does not include an injury to the left foot in the form of tarsal tunnel syndrome or plantar fasciitis. The claimant appealed the hearing officer's decision that the claimant did not sustain a compensable repetitive trauma injury with a date of injury of _____. The self-insured responded, requesting that the decision against the claimant on the repetitive trauma claim be affirmed. There is no appeal of the hearing officer's decision that the claimant gave timely notice to the self-insured of her claimed repetitive trauma injury of _____, nor is there an appeal of the hearing officer's decision that the claimant's compensable injury of _____, does not include an injury to the left foot in the form of tarsal tunnel syndrome or plantar fasciitis.

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 address provided on the self-insured's information form for the registered agent is a post office box, where service of process cannot be effectuated. Therefore, we remand so that a street address may be provided by the self-insured for its registered agent in Texas, in order to carry out the purpose of the legislation. See Texas Workers' Compensation Commission Appeal No. 011587, decided August 24, 2001.

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).

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge