

APPEAL NO. 012445
FILED NOVEMBER 13, 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 September 20, 2001. With respect to the single issue before her, the hearing officer determined that the respondent (claimant) had disability, as a result of her compensable injury, from August 30 to October 30, 2000, and from November 21, 2000, to August 6, 2001. In its appeal, the appellant (carrier) argues that the hearing officer's disability determination is against the great weight of the evidence. In her response to the carrier's appeal, the claimant urges 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 [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'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. The 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 Texas Workers' Compensation 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.

Elaine M. Chaney
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge