

APPEAL NO. 012478  
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 contested case hearing (CCH) was held on September 11, 2001. The disputed issues were:

1. Does the Claimant's [appellant] injury sustained on \_\_\_\_\_ extend to include a mild central bulge at L3-4 and L4-5 and a right anterior superior end plate fracture of L2 with mild disc protrusion anteriorly at L2?
2. Is the Claimant entitled to change treating doctors to [Dr. R] pursuant to Texas Labor Code Sec. 408.022?

With respect to those issues, the hearing officer determined that the compensable low back (sprain/strain) injury does not extend to the claimed bulges and fracture and that the claimant is entitled to change treating doctors. The hearing officer's determination on the change of treating doctor issue has not been appealed and has become final pursuant to Section 410.169.

The claimant appeals, asserting that he "did sustain a compensable injury" and that he "was disabled from November 6, 2000 though [sic] August 2000 [sic apparently means 2001]." Neither of those points were issues before the hearing officer. We will accept one sentence regarding the claimant's testimony about his "L2 compression fracture and a lumbar strain" as appealing the extent of injury issue. The respondent (carrier) responds, urging affirmance. A letter dated October 11, 2001, from the claimant's treating doctor to the hearing officer and submitted with the claim file will not be considered because it is submitted for the first time on appeal.

DECISION

Reverse and remanded.

This case is remanded for the sole 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 2) provides an

out-of-state address for service of process. The carrier is required to provide a physical address of a registered agent for service of process in Texas. *See generally*, Texas Workers' Compensation Commission Appeal No. 011845-S, decided September 11, 2001. 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.

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge