

APPEAL NO. 012727  
FILED DECEMBER 19, 2001

This appeal arises under the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On October 11, 2001, a contested case hearing was held in (city), Texas, with (name) presiding as the hearing officer. With respect to the sole issue before her, the hearing officer determined that the compensable injury sustained by the appellant/cross-respondent (claimant) on \_\_\_\_\_, extends to and includes lumbar-sacral facet syndrome, but does not include an injury to the cervical spine at C3-4, C4-5, and C5-6. On appeal, the claimant urges that the determination relating to the cervical spine be reversed. The respondent/cross-appellant (self-insured) urges that the determination that the injury extends to and includes lumbar-sacral facet syndrome is against the great weight of the evidence. In response to the claimant's appeal, the self-insured urges affirmance with respect to the determination relating to the cervical spine.

DECISION

We reverse and remand.

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 self-insured's information form (Hearing Officer's Exhibit 2) fails to state the name of the registered agent for service of process (it simply states the self-insured's name) and it provides an out-of-state address for service of process. The self-insured 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 self-insured 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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Elaine M. Chaney  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge