

APPEAL NO. 080085  
FILED MARCH 26, 2008

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 December 11, 2007. The hearing officer resolved the disputed issue by deciding that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the third quarter. The appellant (carrier) appealed the SIBs determination. The appeal file does not contain a response from the claimant.

DECISION

Reversed and remanded.

The carrier attached a copy of Appeals Panel Decision (APD) 071880, decided December 20, 2007, to its appeal. In APD 071880, *supra*, another hearing officer's decision on the issue of the claimant's impairment rating (IR) was reversed and remanded back to the hearing officer. According to Texas Department of Insurance, Division of Workers' Compensation (Division) records, a CCH on remand regarding the claimant's IR has not yet been held. A requirement for SIBs eligibility in Section 408.142(a) is an IR of 15% or greater. Since there has not yet been a determination regarding the claimant's IR, we reverse the hearing officer's SIBs determination and we remand this case back to the hearing officer to determine SIBs entitlement for the third quarter, after a determination has been made regarding the claimant's IR.

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 Division, 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. See APD 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **AMERICAN ZURICH INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO MALO  
12222 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251.**

---

Margaret L. Turner  
Appeals Judge

CONCUR:

---

Thomas A. Knapp  
Appeals Judge

---

Veronica L. Ruberto  
Appeals Judge