

APPEAL NO. 132801
FILED JANUARY 23, 2014

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 October 15, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the date of maximum medical improvement (MMI) is October 16, 2012, as determined by [Dr. S], the designated doctor appointed by the Texas Department of Insurance, Division of Workers' Compensation (Division); (2) the appellant's (claimant) impairment rating (IR) is zero percent as determined by Dr. S; (3) the first certification of MMI and assigned IR from Dr. S on November 29, 2012, did not become final under Section 408.123 and 28 TEX. ADMIN. CODE § 130.12 (Rule 130.12); and (4) the claimant had disability from October 16 through November 29, 2012, but did not have disability from November 30, 2012, through June 13, 2013.

The claimant appealed the hearing officer's MMI and IR determinations, contending that the hearing officer should have adopted the MMI/IR certification from [Dr. G]. The claimant also appealed the hearing officer's disability determination adverse to her, contending the evidence supported disability for that claimed period. The claimant also contended in her appeal that the parties stipulated at the CCH that the respondent, National Fire Insurance Company (Carrier N) is the proper carrier for this claim; however, the Insurance Carrier Information sheet admitted as Hearing Officer's Exhibit No. 2 reflects an incorrect carrier for service of process. Carrier N responded, urging affirmance of those determinations. Carrier N does not discuss the claimant's allegations of an incorrect Insurance Carrier Information sheet in its response.

DECISION

Reversed and remanded.

The style of the case in the hearing officer's decision and order is claimant versus Carrier N and at the CCH the hearing officer announced the style of the case as the claimant versus Carrier N.

The claimant and [Mr. M], the attorney representing the carrier at the CCH, stipulated that the employer carried workers' compensation insurance with Carrier N. The Benefit Review Conference Report admitted into evidence as Hearing Officer's Exhibit No. 1 lists Carrier N as the carrier being represented by Mr. M. Hearing Officer's Exhibit No. 2, the Insurance Carrier Information sheet, lists the carrier's true corporate name as Federal Insurance Company (Carrier F). There are no other Insurance Carrier

Information sheets with a carrier name other than Carrier F admitted into evidence at the CCH.

Appeals Panel Decision (APD) 111849, decided February 6, 2012, is another case in which there were conflicting forms and notices regarding the correct carrier for the claimed injury. The Appeals Panel remanded the case to the hearing officer to determine who the correct carrier is for the date of injury. Because of the conflicting evidence regarding the correct carrier in the case on appeal, we remand the case for the hearing officer to determine who the correct carrier is for the [date of injury], date of injury, and if it is a carrier other than the carrier that was present at the CCH, to hold another hearing with the proper carrier present. On remand, the hearing officer is to take official notice of the Division records regarding the proper carrier and admit those records into evidence. Carrier N and Carrier F, if necessary, are to be allowed the opportunity to present evidence as to the identity of the correct carrier in this proceeding.

Upon a determination of the correct carrier in this case, the hearing officer is then to make findings of fact, conclusions of law, and a decision on the issues in this case, which are MMI, IR, whether Dr. S's November 29, 2012, MMI/IR certification became final under Section 408.123 and Rule 130.12, and disability for the period from October 16, 2012, through June 13, 2013.

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.

According to information provided by Carrier F, the true corporate name of the insurance carrier is **FEDERAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Division records indicate that the true corporate name of Carrier N is **NATIONAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Margaret L. Turner
Appeals Judge