

APPEAL NO. 132905  
FILED FEBRUARY 18, 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 was held on November 4, 2013, in [City], Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issue by deciding that respondent 1 (claimant) sustained a compensable injury, in the form of an occupational disease, with a date of injury of [date of injury]. The appellant (carrier) appealed the hearing officer's determination, contending that the evidence contained insufficient causation to support the hearing officer's determination. The carrier also alleges that the hearing officer did not identify the correct employer in Findings of Fact Nos. 2 and 3. The claimant responded, urging affirmance of the hearing officer's determination. The appeal file does not contain a response from respondent 2 (subclaimant) to the carrier's appeal.

DECISION

Reversed and remanded.

The hearing officer found the following:

Finding of Fact No. 2: On [date of injury] [the] [c]laimant was the employee of [BHS], Employer.

Finding of Fact No. 3: On [date of injury] [the] [e]mployer provided workers' compensation insurance with Travelers Indemnity Company, [c]arrier.

The carrier contends on appeal that [BHS] was not the claimant's employer. The Texas Department of Insurance, Division of Workers' Compensation (Division) records reflect that [BMC] is the subclaimant in this case. Given that there is a question regarding the correct employer, we reverse the hearing officer's Findings of Fact Nos. 2 and 3, and we remand the hearing officer's decision for a determination regarding the claimant's correct employer and carrier on the date of injury, which was [date of injury]. See Appeals Panel Decision (APD) 042725, decided December 15, 2004. Upon a determination of the correct employer and carrier in this case, the hearing officer is then to make findings of fact, conclusions of law, and a decision on the issue in this case.

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 **TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
d/b/a CSC-LAWYERS INCORPORATING SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218.<sup>1</sup>**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Margaret L. Turner  
Appeals Judge

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<sup>1</sup> We note that the hearing officer's decision incorrectly identifies the zip code for the carrier's registered agent for service of process as 78701-3232.