

No. **2025-9323**

**Official Order
of the
Texas Commissioner of Workers' Compensation**

Date: 5/29/2025

Subject Considered:

QBE Insurance Corporation
One QBE Way
Sun Prairie, Wisconsin 53596

Consent Order
DWC Enforcement File No. 36089

General remarks and official action taken:

This is a consent order with QBE Insurance Corporation (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

Waiver

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent waives all of these rights, and any other procedural rights that apply, in consideration of the entry of this consent order.

Findings of Fact

1. Respondent holds a certificate of authority issued by the Texas Department of Insurance to transact the business of insurance pursuant to Tex. Ins. Code §§ 801.051-801.053 and is licensed to write workers' compensation/employers' liability insurance in Texas.
2. Respondent was classified as "average" in the years 2020 and 2024 Performance Based Oversight (PBO) assessments. Respondent was classified as "poor" in the 2022 PBO assessment.

Failure to Timely Pay or Dispute Initial Temporary Income Benefits (TIBs)

3. On [REDACTED], Respondent received notice of an employee's workplace injury.
4. The injured employee's first day of disability began on [REDACTED]. The eighth day of disability accrued on [REDACTED].
5. Respondent was required to initiate or dispute TIBs either 15 days after it received written notice of the injury or seven days after the accrual date, whichever is later. In this case, the latest date was [REDACTED].
6. On [REDACTED], Respondent paid \$ [REDACTED] for the benefit week of March 23 to March 29, which was 104 days late. Respondent owed \$ [REDACTED] for that period, leaving an underpayment of \$ [REDACTED]. Further, Respondent failed to pay for the benefit week of [REDACTED] to [REDACTED], leaving a total underpayment of \$ [REDACTED].
7. On [REDACTED], Respondent paid \$ [REDACTED] in initial TIBs 147 days late.

Failure to Timely Pay Accrued TIBs

8. Respondent was required to pay TIBs to an injured employee from [REDACTED], through [REDACTED]. The TIBs payments were due seven days after the first day of the pay period. Respondent failed to timely pay \$ [REDACTED] in TIBs, as follows:

| | Payment Period | Date Due | Date Paid | Days Late |
|----|----------------|------------|------------|-----------|
| a. | [REDACTED] | [REDACTED] | [REDACTED] | 142 |
| b. | [REDACTED] | [REDACTED] | [REDACTED] | 135 |
| c. | [REDACTED] | [REDACTED] | [REDACTED] | 128 |
| d. | [REDACTED] | [REDACTED] | [REDACTED] | 121 |
| e. | [REDACTED] | [REDACTED] | [REDACTED] | 114 |
| f. | [REDACTED] | [REDACTED] | [REDACTED] | 107 |
| g. | [REDACTED] | [REDACTED] | [REDACTED] | 99 |
| h. | [REDACTED] | [REDACTED] | [REDACTED] | 93 |
| i. | [REDACTED] | [REDACTED] | [REDACTED] | 86 |
| j. | [REDACTED] | [REDACTED] | [REDACTED] | 79 |
| k. | [REDACTED] | [REDACTED] | [REDACTED] | 72 |
| l. | [REDACTED] | [REDACTED] | [REDACTED] | 65 |
| m. | [REDACTED] | [REDACTED] | [REDACTED] | 58 |

- a. Respondent's conduct was serious because the injured employee incurred more than \$ [REDACTED] of economic harm up to 147 days late;
 - b. Respondent has two recent consent orders involving failure to timely pay TIBs, including a [REDACTED] TIBs audit where Respondent failed to timely pay 45% of initial TIBs claims;
 - c. the penalty necessary to deter future violations;
 - d. the negative impact on the delivery of [REDACTED] in benefits to an injured employee which economically benefitted Respondent; and
 - e. other matters that justice may require, including a poor PBO rating in the 2022 PBO assessment.
4. DWC is aware of no mitigating factors pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
 5. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the facts establish that the administrative violation(s) occurred; and that the proposed sanction is appropriate, including the factors DWC considered under Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
 6. Respondent acknowledges that, in assessing the sanction, DWC considered the factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to Tex. Lab. Code §§ 402.001, 402.00114, 402.00116, 402.00128, 414.002, and 414.003.
2. The commissioner has the authority to dispose of this case informally pursuant to Tex. Gov't Code § 2001.056, Tex. Lab. Code §§ 401.021 and 402.00128(b)(6)-(7), and 28 Tex. Admin. Code § 180.26(h) and (i).
3. Respondent has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intent to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.

4. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
5. Tex. Lab. Code § 415.002(a)(20) and (22), an insurance carrier or its representative commits an administrative violation each time it violates a DWC rule or fails to comply with a provision of the Texas Workers' Compensation Act.
6. Pursuant to Tex. Lab. Code § 408.101, an employee is entitled to temporary income benefits if the employee has a disability and has not attained maximum medical improvement.
7. Pursuant to Tex. Lab. Code §§ 408.081, 409.023, and 415.002(a)(16), an insurance carrier must pay benefits weekly, as and when the benefits accrue, without order from the commissioner.

Failure to Timely Pay or Dispute Initial TIBs

8. Pursuant to Tex. Lab. Code §§ 408.081; 408.082; 409.021; and 28 Tex. Admin. Code §§ 124.3 and 124.7, an insurance carrier is required to initiate payment of TIBs no later than the 15th day after it receives written notice of the injury or the seventh day after the accrual date, unless the insurance carrier notifies DWC and the injured employee in writing of its refusal to pay.
9. Respondent violated Tex. Lab. Code §§ 409.021; 415.002(a)(16), (20), and (22); and 28 Tex. Admin. Code §§ 124.3 and 124.7 by failing to timely pay or dispute initial TIBs.

Failure to Timely Pay Accrued TIBs

10. Pursuant to Tex. Lab. Code §§ 408.081, 408.082, and 28 Tex. Admin. Code § 124.7, an insurance carrier is required to initiate payment of TIBs no later than the seventh day after the accrual date.
11. Respondent violated Tex. Lab. Code §§ 409.023; 415.002(a)(16), (20), and (22); and 28 Tex. Admin. Code § 124.7 each time Respondent failed to timely pay accrued TIBs.

Order

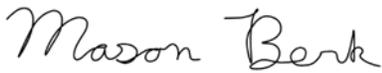
It is ordered that QBE Insurance Corporation must pay an administrative penalty of \$7,000 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, QBE Insurance Corporation must pay the administrative penalty by electronic transfer using the State Invoice Payment Service, company check, cashier's check, or money order and make it payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement Section, MC AO-9999, PO Box 12030, Austin, Texas 78711-2030.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:



Mason Berk
Staff Attorney, Enforcement
Compliance and Investigations
TDI, Division of Workers' Compensation

Unsworn Declaration

STATE OF California §
§
COUNTY OF San Diego §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Dan Rufenacht. I hold the position of Vice President, Claims and am the authorized representative of QBE Insurance Corporation. My business address is:
One QBE Way, Sun Prairie, Dane, WI, 53596.
(Street) (City) (County) (State) (ZIP Code)

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts stated in this document are true and correct.

Dan Rufenacht
Declarant

Executed on May 5, 2025.