

No. **2025-9441**

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

Date: 7/31/2025

Subject Considered:

Old Republic Insurance Company
307 North Michigan Avenue, 17th Floor
Chicago, Illinois 60601

Consent Order
DWC Enforcement File No. 36760

General remarks and official action taken:

This is a consent order with Old Republic Insurance Company (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 multiple lines of insurance in Texas, including workers' compensation/employers' liability insurance.
2. Respondent was classified as "average" tier in the 2020, 2022, and 2024 Performance Based Oversight (PBO) assessments.

Failure to Timely Pay Accrued Impairment Income Benefits (IIBs)

3. An injured employee submitted to a designated doctor (DD) examination on [REDACTED]
4. The DD determined that the injured employee reached maximum medical improvement on [REDACTED], with a [REDACTED] % impairment rating.
5. Respondent was required to pay IIBs to the injured employee from [REDACTED], through [REDACTED]. The IIBs payments were due seven days after the first day of the pay period. Respondent failed to timely pay IIBs, as follows:

	Payment Period	Date Due	Date Paid	Days Late
a.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	64
b.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	57
c.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	49
d.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	43
e.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	36
f.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	29
g.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	22
h.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	15
i.	[REDACTED] to [REDACTED]	[REDACTED]	[REDACTED]	8

6. Respondent paid \$ [REDACTED] in late IIBs plus \$ [REDACTED] in interest.

Assessment of Sanction

1. Failure to provide income benefits in a timely and cost-effective manner is harmful to injured employees and the Texas workers’ compensation system.
2. In assessing the sanction for this case, DWC fully considered the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e):
 - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
 - the history and extent of previous administrative violations;
 - the violator’s demonstration of good faith, including actions it took to rectify the consequences of the prohibited act;

- the penalty necessary to deter future violations;
 - whether the administrative violation had a negative impact on the delivery of benefits to an injured employee;
 - the history of compliance with electronic data interchange requirements;
 - to the extent reasonable, the economic benefit resulting from the prohibited act; and
 - other matters that justice may require, including, but not limited to:
 - PBO assessments;
 - prompt and earnest actions to prevent future violations;
 - self-report of the violation;
 - the size of the company or practice;
 - the effect of a sanction on the availability of health care; and
 - evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
3. DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be aggravating:
- a. the seriousness of the violation, including \$ [REDACTED] in IIBs delivered up to 64 days late;
 - b. Respondent's history of similar administrative violations, including four recent consent orders involving late IIBs payments;
 - c. the penalty necessary to deter future violations;
 - d. the negative impact on the delivery of \$ [REDACTED] in benefits to an injured employee; and
 - e. other matters that justice requires, including the size and sophistication of the company or practice.
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. Pursuant to 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 a provision of the Texas Workers' Compensation Act.
7. Pursuant to Tex. Lab. Code § 408.121, an employee's entitlement to impairment income benefits begins on the day after the date the employee reaches maximum medical improvement and ends on the earlier of the date of expiration of a period computed at the rate of three weeks for each percentage point of impairment; or the date of the employee's death.
8. 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.
9. Pursuant to Tex. Lab. Code § 408.0041(f), an insurance carrier must pay benefits based on the opinion of the DD during any pending dispute.
10. Respondent violated Tex. Lab. Code §§ 408.121, 409.023, and 415.002(a)(16) and (22) by failing to timely pay accrued impairment income benefits.

Order

It is ordered that Old Republic Insurance Company must pay an administrative penalty of \$6,000 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, Old Republic Insurance Company 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, P.O. Box 12030, Austin, Texas 78711-2030.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:



Connor Ambrosini
Staff Attorney, Enforcement
Compliance and Investigations
TDI, Division of Workers' Compensation

Unsworn Declaration

STATE OF Illinois

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COUNTY OF Cook

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Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Deborah J. Matthews. I hold the position of AVP - Compliance and am the authorized representative of Old Republic Insurance Company. My business address is: 307 N. Michigan Ave., Chicago, Cook, Illinois, 60601.
(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.



Declarant

Executed on June 25, 2025.