

No. **2025-9564**

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

**Date: 10/21/2025**

**Subject Considered:**

Liberty Insurance Corporation  
175 Berkeley Street  
Boston, Massachusetts 02116-5066

Consent Order  
DWC Enforcement File Nos. 37104 & 37630

**General remarks and official action taken:**

This is a consent order with Liberty 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" tier in the 2020, 2022, and 2024 Performance Based Oversight (PBO) assessments.

Failure to Timely Comply with a Contested Case Hearing Decision and Order (CCH D&O)

*File No. 37104*

4. On [REDACTED], DWC issued a CCH D&O finding that: (1) the injured employee reached maximum medical improvement on [REDACTED], with a [REDACTED] impairment rating; (2) the injured employee did not have disability from [REDACTED] to [REDACTED], but did have disability from [REDACTED] to [REDACTED]; and (3) Respondent can recoup benefits paid [REDACTED] through [REDACTED] against impairment income benefits owed from [REDACTED] through [REDACTED].
5. The CCH D&O also required Respondent to pay benefits in accordance with the decision.
6. On [REDACTED], Respondent received the CCH D&O.
7. The CCH D&O became final on [REDACTED]. Respondent was required to comply with the CCH D&O within 20 days. The deadline to comply was [REDACTED].
8. On [REDACTED], Respondent owed [REDACTED] in income benefits to the injured employee.
9. On [REDACTED], Respondent paid [REDACTED] in income benefits to the injured employee 48 days late. After the payment, Respondent owed [REDACTED].
10. On [REDACTED], Respondent paid [REDACTED] in income benefits to the injured employee, 223 days late. After the payment, Respondent owed [REDACTED].
11. On [REDACTED], Respondent paid the remaining [REDACTED] in income benefits plus owed interest, 345 days late.

Failure to Timely Pay or Deny a Request for Reimbursement of Travel Expenses

*File No. 37630*

12. Between [REDACTED], and [REDACTED], an injured employee received medical treatment in connection with a workers' compensation claim.
13. On [REDACTED], Respondent received a request for reimbursement of travel expenses from the injured employee for mileage driven in connection with the injured employee's medical treatment. The request was submitted on a non-DWC form that the injured employee obtained from Respondent.
14. Respondent was required to respond to the request by the 45th day after the date of receipt, or by [REDACTED].
15. On [REDACTED], Respondent sent the injured employee an email requesting that the injured employee re-submit the non-DWC mileage reimbursement request form with more detailed information. Respondent did not direct the injured employee to use the DWC Form-048, *Request to get reimbursed for travel costs*.
16. On [REDACTED], Respondent received the re-submitted reimbursement request via email.
17. On [REDACTED], Respondent reimbursed [REDACTED] to the employee 56 days late.

**Assessment of Sanction**

1. Compliance with DWC orders is imperative to minimize disputes and resolve them promptly and fairly. In addition, failure to provide income benefits in a timely and cost-effective manner is harmful to injured employees and the Texas workers' compensation system.
2. Failing to timely respond to a reimbursement request increases the likelihood of disputes and impedes efforts to resolve them promptly and fairly. Further, failure to timely act on a reimbursement request is economically harmful and circumvents the Texas workers' compensation system and the roles of its system participants.

3. 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;
  - 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.
4. 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 violations are serious, involving ██████████ in IIBs paid late, a ██████████ reimbursement paid late, and late compliance with a CCH D&O, which is a priority violation under Tex. Lab. Code § 402.0235;
  - b. Respondent has a history of similar administrative violations, including four consent orders involving failure to comply with a DWC order and two warning letters involving late reimbursement of travel expenses;
  - c. a penalty is necessary to deter future violations;
  - d. the violations negatively impacted the delivery of more than ██████████ in income benefits and travel expenses to injured employees; and
  - e. Respondent is the 16th largest workers' compensation insurance carrier in Texas and has a heightened awareness of its legal duty to comply with the Texas Workers' Compensation Act and DWC rules
5. DWC found the following mitigating factor pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e): Respondent's prompt and earnest actions to

prevent future violations by training its adjusters on the proper DWC form for travel reimbursements.

6. 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).
7. 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), an insurance carrier or its representative commits an administrative violation each time it violates a DWC rule.

Failure to Timely Comply with a CCH D&O

*File No. 37104*

6. Pursuant to Tex. Lab. Code § 415.002(a)(22), an insurance carrier or its representative commits an administrative violation each time it fails to comply with a provision of the Texas Workers' Compensation Act.
7. Pursuant to Tex. Lab. Code §§ 415.0035(e) and 415.021(a), an insurance carrier commits an administrative violation if it violates, fails to comply with, or refuses to comply with a DWC order.
8. Pursuant to Tex. Lab. Code § 410.169 and 28 Tex. Admin. Code § 142.16, a party is required to comply with a CCH D&O within 20 days of the order becoming final. However, if the CCH D&O involves benefits, a party must comply no later than the fifth day after filing a written request for appeal.
9. Respondent violated Tex. Lab. Code §§ 410.169; 415.002(a)(20) and (22); 415.0035(e); 415.021; and 28 Tex. Admin. Code § 142.16 by failing to timely comply with a DWC order for benefits.

Failure to Timely Pay or Deny a Request for Reimbursement of Travel Expenses

*File No. 37630*

10. Pursuant to 28 Tex. Admin. Code § 134.110, an insurance carrier shall pay or deny an injured employee's properly completed request for reimbursement within 45 days of receipt. If the insurance carrier does not reimburse the full amount requested, partial payment or denial of payment shall include a plain language explanation of the reason for the reduction or denial.
11. Respondent violated Tex. Lab. Code § 415.002(a)(20) and 28 Tex. Admin. Code § 134.110 by failing to timely act on a request for reimbursement.

**Order**

It is ordered that Liberty Insurance Corporation must pay an administrative penalty of \$4,500 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, Liberty 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.

  
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Jeff Nelson  
Commissioner  
TDI, Division of Workers' Compensation

Approved Form and Content:

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



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