

No. **2026-9789**

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

Date: 2/6/2026

Subject Considered:

Tokio Marine America Insurance Company
3 Bala Plaza East, Suite 400
Bala Cynwyd, Pennsylvania 19004

Consent Order
DWC Enforcement File Nos. 37746 & 37872

General remarks and official action taken:

This is a consent order with Tokio Marine America 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 workers' compensation/employers' liability insurance in Texas.
2. Respondent was not selected to be tiered in 2020, 2022, or 2024 Performance Based Oversight (PBO) assessments.

Failure to Pay Temporary Income Benefits in Accordance with a Designated Doctor Report

File No. 37746

3. On [REDACTED], Respondent received a designated doctor (DD) report of a DD examination performed on [REDACTED].
4. The DD determined that the injured employee had disability from [REDACTED], to [REDACTED], because of the compensable injury.
5. Respondent was required to pay accrued temporary income benefits (TIBs) no later than five days after receiving the DD report. The deadline to pay TIBs was [REDACTED].
6. On [REDACTED], Respondent paid \$4,493.40 in TIBs and interest 14 days late.

Failure to Timely Act on a Request for Reconsideration of a Medical Bill

File No. 37872

7. On [REDACTED] Respondent received a complete request for reconsideration of a medical bill from a health care provider for medical services rendered to an injured employee.
8. Respondent was required to take action on the request for reconsideration no later than the 30th day after receipt of the request, or by [REDACTED].
9. On [REDACTED], Respondent acted on the request for reconsideration 124 days late. Respondent paid \$6,511.62 to the health care provider.
10. On [REDACTED], Respondent paid interest nine days late.

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. Failure to take timely action on requests for reconsideration needlessly delays the medical fee dispute resolution process, and hinders the division's goal of ensuring timely, appropriate, and high-quality medical care supporting restoration of the injured employee's physical condition and earning capacity.
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 violation is serious, involving \$4,493.40 in TIBs, which are required to be paid during the pendency of a dispute, and \$6,511.62 in medical benefits up to 124 days late;
 - b. a penalty is necessary to deter future violations; and
 - c. the violation negatively impacted the delivery of \$4,493.40 in benefits to an injured employee.
5. DWC found Respondent's lack of prior disciplinary history for this violation as mitigating under Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

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, and 414.002.
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.

Failure to Pay TIBs in Accordance with a DD Report

File No. 37746

6. Pursuant to Tex. Lab. Code § 408.0041(f), the insurance carrier must pay benefits based on the opinion of the DD during any pending dispute.

7. Pursuant to Tex. Lab. Code § 408.101, an employee is entitled to TIBs if the employee has a disability and has not attained maximum medical improvement.
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 28 Tex. Admin. Code § 127.10(i), the insurance carrier must pay all benefits in accordance with the DD report for the issues in dispute no later than five days after receiving the report.
10. Respondent violated Tex. Lab. Code §§ 408.0041(f); 409.023; 415.002(a)(16), (20), and (22); and 28 Tex. Admin. Code § 127.10(i) by failing to timely pay accrued TIBs in accordance with the DD report no later than five days after receiving the report.

Failure to Timely Act on a Request for Reconsideration of a Medical Bill

File No. 37872

11. Pursuant to 28 Tex. Admin. Code § 133.250(g), an insurance carrier shall take final action after receipt of a request for reconsideration of a medical bill not later than the 30th day after the date the insurance carrier received the request.
12. Respondent violated Tex. Lab. Code § 415.002(a)(20) and 28 Tex. Admin. Code § 133.250(g) when Respondent failed to act on the request for consideration within 30 days of receipt of the request.

Failure to Timely Pay Interest on a Late Medical Bill Payment


File No. 37872

13. Pursuant to Tex. Lab. Code § 413.019(a) and 28 Tex. Admin. Code § 133.240(l), all payments of medical bills that an insurance carrier makes on or after the 60th day after the date the carrier originally received the complete medical bill shall include interest calculated in accordance with § 134.130 of this title without any action taken by the division. The interest payment shall be paid at the same time as the medical bill payment.
14. Respondent violated Tex. Lab. Code §§ 413.019(a); 415.002(a)(20) and (22); and 28 Tex. Admin. Code § 133.240(l) by failing to timely pay interest on a late medical bill.

Order


It is ordered that Tokio Marine America Insurance Company must pay an administrative penalty of \$2,000 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, Tokio Marine America 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, PO Box 12030, Austin, Texas 78711-2030.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:



Tyrus Housh
Staff Attorney, Enforcement
Compliance and Investigations
TDI, Division of Workers' Compensation

Commissioner's Order
Tokio Marine America Insurance Company
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Unsworn Declaration

STATE OF California §
§
COUNTY OF Los Angeles §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Ronald Withers. I hold the position of Senior Claims Manager and am the authorized representative of Tokio Marine America Insurance Company. My business address is:

283 S. Lake Ave, Pasadena, Los Angeles, CA 91101.
(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 Jan. 6, 2026.