

APPEAL NO. 050802  
FILED MAY 18, 2005

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 5, 2005. The hearing officer resolved the disputed issue by deciding that the compensable injury on \_\_\_\_\_, extends to and includes the right wrist carpal tunnel syndrome and right shoulder impingement. The attorney for the appellant (carrier) appeals, contending that he discovered after receiving the hearing officer's decision and order that the named carrier was incorrect. The appeal file does not contain a response from the respondent (claimant).

DECISION

Reversed and remanded.

The parties at the CCH stipulated that the claimant was the employee of (employer SM) and it was undisputed that employer SM's carrier was (carrier P). On appeal the attorney representing carrier P contends that (carrier C) is the correct carrier. Carrier P's attorney alleges that carrier C received the documents regarding this claim, accepted a portion of the claimant's claim and initiated benefits but did not notice the incorrect carrier name until after it received the decision and order in this matter.

This case is similar to both Texas Workers' Compensation Commission Appeal No. 042725, decided December 15, 2004, and Texas Workers' Commission Appeal No. 042603, decided November 29, 2004, where information was sent to the Texas Workers' Compensation Commission (Commission) after the CCH, advising that the carrier in the respective cases did not have coverage. Similarly, in this case, we remand the decision to the hearing officer to determine who the correct carrier is and to enter an appropriate decision and order. If the proper carrier was not present at the CCH, the parties should be afforded an opportunity to present evidence on the disputed issue.

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 Commission's Division of Hearings, 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.

The true corporate name of the insurance carrier is **PHOENIX ASSURANCE COMPANY OF NEW YORK** and the name and address of its registered agent for service of process is

**CORPORATION SERVICES COMPANY  
701 BRAZOS, SUITE 1050  
AUSTIN, TEXAS 78701.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert W. Potts  
Appeals Judge