

APPEAL NO. 070475
FILED MAY 15, 2007

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 January 11, 2007. The hearing officer determined that the respondent's (claimant) compensable injury of _____, does not extend to or include a disc herniation at L5-S1, lumbar radicular syndrome or back pain.

The appellant, National Union Fire Insurance Company of Pittsburgh (Carrier N), appeals, contending that the hearing officer erred in finding that Texas Property and Casualty Insurance Guaranty Association for Reliance National Insurance Company, an impaired carrier (Carrier T) is the insurance carrier for the claim because Carrier N's records show that Carrier N is the correct carrier. The file does not contain a response from the claimant.

DECISION

Reversed and remanded.

At the CCH held on January 11, 2007, the carrier was identified as Carrier N and was represented by an attorney. The Insurance Carrier Information Sheet lists Carrier N as the carrier. Because the claimant did not appear at the CCH the hearing officer sent the claimant a "10-day show cause letter" dated January 25, 2007, allowing the claimant to show good cause why he failed to appear and to request that the hearing be reconvened to permit him to present evidence on the disputed issue. The carrier listed on the 10-day show cause letter was Carrier T. The hearing officer, in her decision, recites that the claimant had failed to contact the Texas Department of Insurance, Division of Workers' Compensation (Division) within the specified time frame and that the claimant had failed to meet his burden of proof on the disputed issue. Carrier T is listed as the carrier in the hearing officer's decision and order.

Carrier N appeals, contending that Carrier N is the correct carrier and that it is unclear how Carrier T was listed as the carrier in the hearing officer's decision. The Division's records show Carrier T as the carrier for the employer on _____, the date of injury.

This case is similar to other cases where after the CCH information was presented that the carrier did not have coverage. See Appeals Panel Decision (APD) 042603, decided November 29, 2004; APD 050802, decided May 18, 2005. We remand the case for the hearing officer to determine who the correct carrier is for the _____, date of injury and, if it is a carrier other than the carrier that was present at the CCH, to hold another hearing with the proper carrier present. On remand the hearing officer is to take official notice of the Division records regarding the proper

carrier. The parties are to be allowed the opportunity to present evidence as to the correct carrier in this proceeding.

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 Division, 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.

According to the information provided by the carrier at the CCH, the true corporate name of the insurance carrier is **NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
701 BRAZOS STREET, SUITE 1050
AUSTIN, TEXAS, 78701**

Thomas A. Knapp
Appeals Judge

CONCUR:

Veronica L. Ruberto
Appeals Judge

Margaret L. Turner
Appeals Judge