

APPEAL NO. 182321  
FILED DECEMBER 14, 2018

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 September 4, 2018, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on (date of injury), and the claimant did not have disability. The claimant appealed the ALJ's compensable injury and disability determinations. The respondent (carrier) responded, urging affirmance.

Also, the carrier filed a Request for Clerical Correction to correct the carrier's true corporate name. The carrier states that the carrier information sheet submitted at the CCH incorrectly listed the carrier as Liberty Insurance Corporation, rather than LM Insurance Corporation. The carrier attached to the Request for Clerical Correction a new carrier information sheet listing LM Insurance Corporation as the carrier's true corporate name. The appeal file does not contain a response to the carrier's request for clerical correction.

**DECISION**

Reversed and remanded.

**CARRIER INFORMATION**

At the CCH the parties stipulated, in part, that on (date of injury), the employer provided workers' compensation insurance with Liberty Insurance Corporation, the carrier. The ALJ's Exhibit No. 2, carrier information sheet, lists Liberty Insurance Corporation as the carrier's true corporate name. On appeal, the carrier contends that the correct name of the carrier is LM Insurance Corporation and attached a new carrier information sheet listing LM Insurance Corporation as the carrier.

The Texas Department of Insurance, Division of Workers' Compensation (Division) records reflect that LM Insurance Corporation is the carrier in this case. Because there is a question regarding the correct carrier, we remand this case to the ALJ to determine the proper carrier in this case.

**COMPENSABLE INJURY AND DISABILITY**

Given that we are remanding this case for the ALJ to determine the proper carrier in this case, we reverse the ALJ's determination that the claimant did not sustain a

compensable injury on (date of injury), and the claimant did not have disability and we remand the compensable injury and disability issues to the ALJ for further action consistent with this decision.

### **REMAND INSTRUCTIONS**

On remand, the ALJ shall take official notice of the Division records regarding the proper carrier in this case and determine the proper carrier in this case. The parties are to be allowed an opportunity to present evidence as to the correct carrier. If the ALJ determines that it is a different carrier from the carrier listed on the ALJ's decision, the ALJ is to hold another hearing with the proper carrier present at the CCH.

After the ALJ determines the proper carrier in this case, the ALJ is to make determinations on the compensable injury and disability issues consistent with this decision and supported by the evidence.

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 ALJ, 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. See Appeals Panel Decision 060721, decided June 12, 2006.

The true corporate name of the insurance carrier according to the insurance carrier information sheet provided by the carrier at the CCH is **LIBERTY INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218.**

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Carisa Space-Beam  
Appeals Judge

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Margaret L. Turner  
Appeals Judge