

APPEAL NO. 221776  
FILED JANUARY 4, 2023

A contested case hearing (CCH) was held on August 31, 2022, with the record closing on September 26, 2022, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issue by deciding that the appellant (employer) was not respondent 1's (claimant) employer for purposes of the Workers' Compensation Act on (date of injury). The employer appealed the ALJ's determination. The claimant responded, contending that the employer did not have standing to appeal the ALJ's determination. Respondent 2 (carrier) also responded, discussing the resolution of the case on appeal compared to a separate related case.

DECISION

The ALJ's decision has become final pursuant to Section 410.169 because the employer was not a party to the CCH and no appeal was timely filed with the Texas Department of Insurance, Division of Workers' Compensation by either the claimant or the carrier.

Section 409.011(b)(4) provides that an employer has the right to contest the compensability of an injury if the insurance carrier accepts liability for the payment of benefits. The issue in this case was whether the employer was the claimant's employer for purposes of the Workers' Compensation Act on (date of injury); there was no issue of compensability of an injury sustained on (date of injury), nor did the parties stipulate that the carrier accepted liability for the payment of benefits for such injury. The employer does not have standing to appeal the issue in this case because the employer did not become a party to the CCH. See Appeals Panel Decision (APD) 93133, decided May 6, 1993, and cases cited therein; APD 960490, decided April 24, 1996; APD 170773, decided June 5, 2017; and APD 190148, decided March 19, 2019.

Pursuant to Section 410.169, a decision of an ALJ regarding benefits is final in the absence of a timely appeal. The ALJ's decision and order has become final under Section 410.169.

The true corporate name of the insurance carrier is **NATIONAL CASUALTY COMPANY** 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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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Margaret L. Turner  
Appeals Judge