

APPEAL NO. 230308  
FILED APRIL 20, 2023

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 December 20, 2022, with the record closing on January 12, 2023, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the appellant (claimant) reached maximum medical improvement (MMI) on December 10, 2021; and (2) the claimant's impairment rating (IR) is five percent. The claimant appealed, disputing the ALJ's determinations of MMI and IR and contending that he did not get notice of the date, time, and place of the CCH. The respondent (carrier) responded, urging affirmance of the disputed MMI and IR determinations.

DECISION

Reversed and remanded.

The claimant did not appear at the CCH. The carrier stipulated on the record that the carrier's name in the instant case was Starr Indemnity & Liability Company. The ALJ acknowledged on the record that she would change the style of the case to reflect the name as represented by the carrier's attorney. However, Finding of Fact No. 1.C. identifies the carrier as Starr Specialty Insurance Company. The documents in evidence reflect conflicting names for the carrier. The Benefit Review Conference Report in evidence identifies Starr Specialty Insurance Company as the carrier. The carrier information sheet in evidence identified the carrier's true corporate name as Starr Specialty Insurance Company. However, attached to the 10-day letter sent to the claimant was carrier information for Starr Indemnity & Liability Company.

Appeals Panel Decision (APD) 111849, decided February 6, 2012, is another case in which there were conflicting forms and notices regarding the correct carrier for the claimed injury. The Appeals Panel remanded the case to the ALJ to determine who the correct carrier is for the date of injury. Because of the conflicting evidence regarding the correct carrier in the case on appeal, we remand the case for the ALJ to determine who the correct carrier is for the February 4, 2021, date of injury, and to hold another hearing with the proper carrier present, if it is a carrier other than the carrier that was present at the CCH. On remand, the ALJ is to take official notice of the Texas Department of Insurance, Division of Workers' Compensation (Division) records regarding the proper carrier and admit those records into evidence. The carrier is to be allowed the opportunity to present evidence as to the identity of the correct carrier in this proceeding. The ALJ should ensure on remand that all the proper parties are present.

Upon a determination of the correct carrier in this case, the ALJ is then to make findings of fact, conclusions of law, and a decision on the issues in this case, which are MMI and IR.

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 APD 060721, decided June 12, 2006.

According to the information provided by the carrier, the true corporate name of the insurance carrier is **STARR INDEMNITY & LIABILITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-3136.**

Division records indicate that the true corporate name of the insurance carrier is **STARR SPECIALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-4284.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge