

APPEAL NO. 230426  
FILED MAY 11, 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 January 10, 2023, with the record closing on February 23, 2023, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the sole disputed issue by deciding the appellant's (claimant) impairment rating (IR) is seven percent. The claimant appealed, disputing the ALJ's determination of IR. The respondent (carrier) responded, urging affirmance of the disputed IR determination.

DECISION

Reversed and remanded.

The claimant attached to his appeal a copy of an analysis letter dated August 18, 2020, sent to the designated doctor, (Dr. J), who was appointed to examine the claimant on September 2, 2020, for the purposes of maximum medical improvement, IR, and extent of injury regarding the compensable injury of March 20, 2020. The analysis letter was prepared by the ALJ, who at the time worked as an attorney for the law firm that at that time represented the carrier in the matter. The claimant contends in his appeal that he did not discover the analysis letter authored by the ALJ until March 7, 2023, after the CCH decision had been mailed to the parties. We hold that because the ALJ was an advocate for an interested party in this case prior to holding the CCH, it is inappropriate for the ALJ to hear and decide any issues in the same case. This case is reversed and remanded. The Decision and Order is void, and the ALJ is to be recused. See Appeals Panel Decision (APD) 141621, decided September 12, 2014. Another ALJ shall be appointed to hear this matter on a *de novo* basis. At the rehearing of this matter, both parties shall be allowed to present evidence of their respective positions in accordance with the Texas Department of Insurance, Division of Workers' Compensation (Division) Rules. See APD 022143, decided September 19, 2002.

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.

The true corporate name of the insurance carrier is **NEW HAMPSHIRE INSURANCE 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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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge