

APPEAL NO. 231757
FILED JANUARY 19, 2024

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 November 2, 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) did not sustain a compensable injury on (date of injury); and (2) because the claimant had no compensable injury on (date of injury), he did not have disability from (date of injury), through the CCH. The claimant appealed, disputing the ALJ's determinations. The respondent (carrier) responded, urging affirmance of the ALJ's determinations.

DECISION

Reversed and remanded.

The parties stipulated, in part, that on (date of injury), the claimant was the employee of (employer), which provided workers' compensation insurance with Wesco Insurance Company. The claimant, a fuel technician for the employer, alleged he was injured in the course and scope of his employment on (date of injury), when he was involved in a motor vehicle accident driving from his home to the employer's shop.

As a condition of being issued a certificate of authority to engage in the business of insurance in Texas, alien or foreign insurance companies are required to appoint a person in Texas as agent for service of process on whom any process to be served on the company may be served. See Texas Insurance Code Section 804.103(b); also, Texas Labor Code Sections 401.011(28) and 410.204(d). The carrier is required to provide both a name and a physical address of a registered agent for service of process in Texas. See *generally* Appeals Panel Decision (APD) 011845-s, decided September 11, 2001; APD 180107, decided February 20, 2018; and APD 182682, decided January 28, 2019. See *also* Section 410.164(c).

The carrier information sheet in evidence identifies the name and address of the registered agent for service of process as United Agent Group, Inc., 5444 Westheimer Road, Suite 1000, Houston, Texas, 77056-5318. However, the Order section of the ALJ's decision lists the name and address of the registered agent for service of process as Corporation Service Company, 211 East 7th Street, Suite 620, Austin, Texas, 78701-3218. There is no carrier information sheet in evidence reflecting the information listed in the ALJ's decision. Accordingly, we remand this case to the ALJ to request from the carrier the required information for its registered agent in Texas as provided in Section 410.164(c).

Given that we are remanding this case for the ALJ to determine the proper name and address of the carrier's registered agent for service of process, we reverse the ALJ's determinations that the claimant did not sustain a compensable injury on (date of injury), and because the claimant had no compensable injury on (date of injury), he did not have disability from (date of injury), through the CCH. We remand the compensability and disability issues to the ALJ for further action consistent with this decision.

SUMMARY

We remand this case to the ALJ to determine the proper name and address of the carrier's registered agent for service of process in compliance with Section 410.164(c).

We reverse the ALJ's determination that the claimant did not sustain a compensable injury on (date of injury), and we remand the compensability issue to the ALJ for further action consistent with this decision.

We reverse the ALJ's determination that because the claimant had no compensable injury on (date of injury), he did not have disability from (date of injury), through the CCH, and we remand the disability issue to the ALJ for further action consistent with this decision.

REMAND INSTRUCTIONS

On remand, the ALJ shall take official notice of the Texas Department of Insurance, Division of Workers' Compensation (Division) records regarding the carrier and request from the carrier the information for its registered agent in Texas as required in Section 410.164(c).

After the ALJ determines the proper name and address of the registered agent for service of process for the carrier, the ALJ is to make determinations on whether the claimant sustained a compensable injury on (date of injury), and whether the claimant had disability from (date of injury), through the date of the CCH 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 APD 060721, decided June 12, 2006.

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

**UNITED AGENT GROUP, INC.
5444 WESTHEIMER ROAD, SUITE 1000
HOUSTON, TEXAS 77056-5318.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Margaret L. Turner
Appeals Judge