

APPEAL NO. 231843
FILED FEBRUARY 1, 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 was held on November 7, 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) the claimant did not have disability resulting from the claimed injury. The claimant appealed, disputing the ALJ's determinations of compensability and disability. The respondent (carrier) responded, urging affirmance of the disputed compensable injury and disability determinations.

DECISION

Reversed and remanded.

The parties stipulated, in part, that on (date of injury), the claimant was an employee of (employer), which provided workers' compensation insurance with Hartford Insurance Company of Illinois. The claimant, a front desk agent, alleged she was injured in the course and scope of her employment on (date of injury), when she slipped off of a curb while going to close a gate.

The carrier information sheet in evidence identifies the name and address of the registered agent for service of process as Hartford Casualty Insurance Company. The Order section of the ALJ's decision lists the true corporate name of the carrier as Hartford Casualty Insurance Company and the name and address of the registered agent for service of process as CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136. However, the parties stipulated and the ALJ found in Finding of Fact No. 1.C. that the employer provided workers' compensation insurance coverage with Hartford Insurance Company of Illinois.

Appeals Panel Decision (APD) 111849, decided February 6, 2012, is a 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 alleged (date of injury), 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. 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.

Given that we are remanding this case for the ALJ to determine the correct carrier in this case, we reverse the ALJ's determinations that the claimant did not sustain a compensable injury on (date of injury), and the claimant did not have disability resulting from the claimed injury. 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 correct carrier in this case.

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 the claimant did not have disability resulting from the claimed injury and we remand the disability issue to the ALJ for further action consistent with this decision.

REMAND INSTRUCTIONS

On remand, the ALJ is to determine who the correct carrier is for the alleged (date of injury), 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. 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.

After the ALJ determines the correct carrier in this case, the ALJ is to make determinations on whether the claimant sustained a compensable injury on (date of injury), and whether the claimant had disability 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 information provided by the carrier the true corporate name of the insurance carrier is **HARTFORD CASUALTY 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 75201-3136.**

Margaret L. Turner
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Carisa Space-Beam
Appeals Judge