

APPEAL NO. 231908  
FILED FEBRUARY 29, 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 December 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) should be allowed to change treating doctors from (Dr. B) to (Dr. L); (2) the (date of injury), compensable injury does not extend to a left knee medial meniscus tear; (3) the claimant reached maximum medical improvement (MMI) on May 9, 2023; and (4) the claimant's impairment rating (IR) is four percent. The claimant appealed, disputing the ALJ's determinations of extent of injury, MMI, and IR. The respondent (carrier) responded, urging affirmance of the appealed determinations. The ALJ's determination that the claimant should be allowed to change treating doctors from Dr. B to Dr. L was not appealed and has become final pursuant to Section 410.169.

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 production line operator, injured her left knee on (date of injury), when she slipped and fell on ice.

The carrier information sheet in evidence identifies the carrier's true corporate name as Hartford Casualty Insurance Company. However, the parties stipulated and the ALJ found in Finding of Fact No. 1.B. that the employer provided workers' compensation insurance coverage with Hartford Insurance Company of Illinois.

In Appeals Panel Decision (APD) 111849, decided February 6, 2012, 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. See *also* APD 231843, decided February 1, 2024. 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 (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 (date of injury), compensable injury does not extend to a left knee medial meniscus tear; the claimant reached MMI on May 9, 2023; and the claimant's IR is four percent. We remand the extent of injury, MMI, and IR 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 (date of injury), compensable injury does not extend to a left knee medial meniscus tear, and we remand the issue of whether the compensable injury extends to a left knee medial meniscus tear to the ALJ for further action consistent with this decision.

We reverse the ALJ's determination that the claimant reached MMI on May 9, 2023, and we remand the MMI issue to the ALJ for further action consistent with this decision.

We reverse the ALJ's determination that the claimant's IR is four percent, and we remand the IR 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 (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 compensable injury extends to a left knee medial meniscus tear, MMI, and IR 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 Texas Department of Insurance, Division of Workers' Compensation, 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 75201-4284.**

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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