

APPEAL NO. 240217
FILED APRIL 18, 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 January 3, 2024, 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 decedent's death was a result of the compensable injury sustained on (date of injury); and (2) the respondent (claimant beneficiary) is a proper legal beneficiary of the decedent, entitling her to death benefits. The appellant (carrier) appealed, disputing the ALJ's determinations. The appeal file does not contain a response from the claimant beneficiary to the carrier's appeal.

DECISION

Reversed and remanded.

The parties stipulated, in part, that the decedent sustained a compensable injury on (date of injury),¹ and that the decedent died on November 24, 2022. The record reflects the deceased was injured when he fell through a skylight and landed on a wooden floor approximately 30 feet below while he was conducting an inspection. Medical records in evidence show he sustained numerous injuries as a result of this fall which required surgical treatments.

The ALJ found in Finding of Fact No. 3 that "[t]he preponderance of the evidence showed that the compensable injury sustained on (date of injury), caused seizures and hypertension which contributed to the [decedent's] death on November 24, 2022[.]" and on this basis determined the decedent's death was a result of the compensable injury sustained on (date of injury). However, the record is unclear as to what conditions the compensable injury includes, and the parties made no stipulations regarding the conditions that comprise the compensable injury. Without knowing what comprises the compensable injury in this case, it cannot be determined whether the decedent's death was a result of the (date of injury), compensable injury. Therefore, we reverse the ALJ's determination that the decedent's death was a result of the compensable injury sustained on (date of injury), and we remand this case to the ALJ for further action consistent with this decision.

Given that we have reversed and remanded the issue of whether the decedent's death was a result of the compensable injury sustained on (date of injury), we also reverse the ALJ's determination that the claimant beneficiary is a proper legal

¹ We note this stipulation was not included in the ALJ's decision.

beneficiary of the decedent entitling her to death benefits, and we remand this issue to the ALJ for further action consistent with this decision.

SUMMARY

We reverse the ALJ's determination that the decedent's death was a result of the compensable injury sustained on (date of injury), and we remand this case to the ALJ for further action consistent with this decision.

We reverse the ALJ's determination that the claimant beneficiary is a proper legal beneficiary of the decedent entitling her to death benefits, and we remand this issue to the ALJ for further action consistent with this decision.

REMAND INSTRUCTIONS

On remand the ALJ is to request a stipulation from the parties as to what conditions the compensable injury of (date of injury), extends. If the parties are unwilling to make such a stipulation, the ALJ is to make a finding of fact on what conditions comprise the (date of injury), compensable injury that is supported by the evidence. The ALJ is then to make findings of fact, conclusions of law, and a decision whether the decedent's death was a result of the (date of injury), compensable injury, and whether the claimant beneficiary is a legal beneficiary of the decedent entitling her to death benefits.

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 Appeals Panel Decision 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JEANETTE WARD, PRESIDENT & CEO
2200 ALDRICH STREET
AUSTIN, TEXAS 78723.**

Carisa Space-Beam
Appeals Judge

CONCUR:

Cristina Beceiro
Appeals Judge

Margaret L. Turner
Appeals Judge