

APPEAL NO. 011845-S
FILED SEPTEMBER 11, 2001

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 July 9, 2001. With regard to the disputed issues before her, the hearing officer determined the following:

1. The compensable injury of October 4, 2000, does extend to and include a left knee meniscus tear, right knee meniscus tear, but it does not extend to nor include disc herniation at L4-5 nor depression; and
2. The respondent (claimant) has had disability resulting from the compensable injury of October 4, 2000, from October 5, 2000, continuing to the date of the CCH.

The appellant (carrier) appeals the hearing officer's determinations, arguing that the hearing officer omitted and did not consider all evidence presented, and that it is against the great weight and preponderance of the evidence. The claimant urges affirmance.

DECISION

Reversed and remanded.

We must remand for the purpose of obtaining compliance with House Bill 2600, which amended Section 410.164, effective June 17, 2001. Section 410.164 was amended by the addition of subsection (c), which provides as follows:

- (c) At each [CCH], as applicable, the insurance carrier shall file with the hearing officer and shall deliver to the claimant a single document stating the true corporate name of the insurance carrier and the name and address of the insurance carrier's registered agent for service of process. The document is part of the record of the [CCH].

As a condition of being authorized or of being issued a certificate of authority to conduct the business of insurance in Texas, domestic and foreign insurance companies are required to appoint a person in Texas as attorney for service of process on whom all judicial and/or administrative processes, notices, or demands required or permitted by law to be served on the insurance company may be served. TEX. INS. CODE ANN. Art. 1.36 (West 2001). See *also* Sections 401.011(28) and 410.204(d), as amended June 17, 2001, of the 1989 Act. We interpret the phrase "attorney for service of process" to mean a registered agent within the meaning of the 1989 Act. In this case, the carrier provided the address of a registered agent in the state of New York. The carrier is required to provide a physical address of a registered agent for service of process in Texas. Therefore, the case is remanded for the carrier to provide the required information for its registered agent in Texas. Section 410.164(c).

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 hearing officer, 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 Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202 (amended June 17, 2001). See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993. Saturdays and Sundays and holidays listed in Section 662.003 of the Government Code are not included in the computation of the time.

Thomas A. Knapp
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge