

No. **2025-9533**

**Official Order  
of the  
Texas Commissioner of Workers' Compensation**

**Date: 10/3/2025**

**Subject Considered:**

ACIG Insurance Company  
2600 North Central Expressway, Suite 800  
Richardson, Texas 75080-2064

Consent Order  
DWC Enforcement File No. 36710

**General remarks and official action taken:**

This is a consent order with ACIG Insurance Company (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

**Waiver**

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent waives all of these rights, and any other procedural rights that apply, in consideration of the entry of this consent order.

**Findings of Fact**

1. Respondent holds a certificate of authority issued by the Texas Department of Insurance to transact the business of insurance pursuant to Tex. Ins. Code §§ 801.051-801.053 and is licensed to write multiple lines of insurance in Texas, including workers' compensation/employers' liability insurance.
2. Respondent was classified as "average" tier in the 2024 Performance Based Oversight (PBO) assessment. Respondent was not selected to be tiered in the 2022 PBO assessment. Respondent was classified as "poor" tier in the 2020 PBO assessment.

Failure to Pay Temporary Income Benefits (TIBs) in Accordance with a Designated Doctor (DD) Report, Timely Pay Underpaid Income Benefits, and Process a Claim Promptly in a Reasonable and Prudent Manner

3. On [REDACTED], Respondent received notice of an employee's workplace injury.
4. On [REDACTED], Respondent received a DWC Form-1, *Employers First Report of Injury or Illness* (DWC-1), from the injured employee's employer. The DWC-1 stated that the employee's wage was \$ [REDACTED] per hour.
5. On [REDACTED], Respondent received a copy of a Bona Fide Offer of Employment that the injured employee accepted. However, Respondent failed to investigate whether the injured employee's post-injury earnings met or exceeded the injured employee's average weekly wage. Due to this lack of investigation, Respondent did not initiate TIBs.<sup>1</sup>
6. On [REDACTED], Respondent received a DD report of a DD examination performed on [REDACTED], stating that the employee had not reached maximum medical improvement for a compensable injury.
7. Respondent was required to pay accrued TIBs no later than five days after receiving the DD report, or by [REDACTED].
8. On [REDACTED], Respondent paid \$ [REDACTED] in TIBs for [REDACTED], to [REDACTED], at a rate of \$ [REDACTED] per week. The payment was made 20 days late.
9. Following the TIBs payment, Respondent estimated that a fair and reasonable TIBs rate for the injured employee was \$ [REDACTED] using the wage information in the DWC-1. When Respondent made the estimation, Respondent had neither received an *Employer's Wage Statement* form (DWC-3), nor investigated the employee's pre-injury wage since receiving notice of the injury in [REDACTED].
10. On [REDACTED], Respondent received a complete DWC-3 from the employer and determined that the injured employee's average weekly wage was \$ [REDACTED] and the correct TIBs rate was \$ [REDACTED]. Respondent then determined that it underpaid TIBs for the period from [REDACTED], to [REDACTED], due to previously paying

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<sup>1</sup> Respondent's failure to initiate TIBs was addressed in a prior DWC audit and is the subject of Order No. 2024-9012 dated Dec. 10, 2024.

TIBs at lower benefit rates. In total, Respondent owed the injured employee \$ [REDACTED] in TIBs.

11. Respondent was required to pay the \$ [REDACTED] underpayment with interest within seven days of determining that the underpayment occurred. In this case, the deadline to pay the underpayment was [REDACTED].
12. On [REDACTED], Respondent paid the underpayment plus interest, 755 days late.
13. Based on the evidence described above, Respondent failed to adjust the claim in a reasonable and prudent manner.

### **Assessment of Sanction**

1. Failure to provide income benefits in a timely and cost-effective manner is harmful to injured employees and the Texas workers' compensation system.
2. In assessing the sanction for this case, DWC fully considered the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e):
  - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
  - the history and extent of previous administrative violations;
  - the violator's demonstration of good faith, including actions it took to rectify the consequences of the prohibited act;
  - the penalty necessary to deter future violations;
  - whether the administrative violation had a negative impact on the delivery of benefits to an injured employee;
  - the history of compliance with electronic data interchange requirements;
  - to the extent reasonable, the economic benefit resulting from the prohibited act; and
  - other matters that justice may require, including, but not limited to:
    - PBO assessments;
    - prompt and earnest actions to prevent future violations;
    - self-report of the violation;
    - the size of the company or practice;
    - the effect of a sanction on the availability of health care; and
    - evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.

3. DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be aggravating:
  - a. the violations are serious, negatively impacting the delivery of \$ [REDACTED] in income benefits to an injured employee. Specifically, Respondent paid 18 weeks of accrued TIBs 20 days late and a \$ [REDACTED] underpayment of TIBs 755 days late;
  - b. Respondent has a history of similar administrative violations, including three consent orders involving late TIBs;
  - c. a penalty is necessary to deter future violations; and
  - d. Respondent has a heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
4. DWC is aware of no mitigating factors pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
5. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the facts establish that the administrative violation(s) occurred; and that the proposed sanction is appropriate, including the factors DWC considered under Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
6. Respondent acknowledges that, in assessing the sanction, DWC considered the factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

### **Conclusions of Law**

1. The commissioner has jurisdiction over this matter pursuant to Tex. Lab. Code §§ 402.001, 402.00114, 402.00116, 402.00128, 414.002, and 414.003.
2. The commissioner has the authority to dispose of this case informally pursuant to Tex. Gov't Code § 2001.056, Tex. Lab. Code §§ 401.021 and 402.00128(b)(6)-(7), and 28 Tex. Admin. Code § 180.26(h) and (i).
3. Respondent has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intent to institute disciplinary action, notice of

hearing, a public hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.

4. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
5. Pursuant to Tex. Lab. Code § 415.002(a)(20) and (22), an insurance carrier or its representative commits an administrative violation each time it fails to comply with a DWC rule or a provision of the Texas Workers' Compensation Act.

#### Failure to Pay TIBs in Accordance with a DD Report

6. Pursuant to Tex. Lab. Code § 408.0041(f), the insurance carrier must pay benefits based on the opinion of the DD during any pending dispute.
7. Pursuant to Tex. Lab. Code § 408.101, an employee is entitled to TIBs if the employee has a disability and has not attained maximum medical improvement.
8. Pursuant to Tex. Lab. Code §§ 408.081, 409.023, and 415.002(a)(16), an insurance carrier must pay benefits weekly, as and when the benefits accrue, without order from the commissioner.
9. Pursuant to 28 Tex. Admin. Code § 127.10(i), the insurance carrier must pay all benefits in accordance with the DD report for the issues in dispute no later than five days after receiving the report.
10. Respondent violated Tex. Lab. Code §§ 408.0041(f); 409.023; 415.002(a)(16), (20), and (22); and 28 Tex. Admin. Code § 127.10(i) by failing to timely pay accrued TIBs in accordance with the DD report.

#### Failure to Timely Pay Underpaid Income Benefits

11. Pursuant to Tex. Lab. Code § 408.101, an employee is entitled to TIBs if the employee has a disability and has not attained maximum medical improvement.
12. Pursuant to Tex. Lab. Code §§ 408.081, 409.023, and 415.002(a)(16), an insurance carrier must pay benefits weekly, as and when the benefits accrue, without order from the commissioner.

13. Pursuant to 28 Tex. Admin. Code § 126.15(b), if the insurance carrier determines that an underpayment of income benefits has occurred, the insurance carrier shall pay the full amount of the underpayment with interest on accrued but unpaid benefits within seven days of the determination.
14. Respondent violated Tex. Lab. Code §§ 408.081; 409.023; 415.002(a)(16), (20), and (22); and 28 Tex. Admin. Code § 126.15(b) by failing to timely pay an underpayment of income benefits.

Failure to Process a Claim Promptly in a Reasonable and Prudent Manner

15. Pursuant to Tex. Lab. Code § 415.002(a)(11), an insurance carrier or its representative commits an administrative violation by failing to process claims promptly in a reasonable and prudent manner.
16. Respondent violated Tex. Lab. Code § 415.002(a)(11) by failing to process a claim promptly in a reasonable and prudent manner.

**Order**

It is ordered that ACIG Insurance Company must pay an administrative penalty of \$7,750 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, ACIG Insurance Company must pay the administrative penalty by electronic transfer using the State Invoice Payment Service, company check, cashier's check, or money order and make it payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement Section, MC AO-9999, PO Box 12030, Austin, Texas 78711-2030.

  
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Jeff Nelson  
Commissioner  
TDI, Division of Workers' Compensation

Approved Form and Content:

  
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Alberto Garcia  
Staff Attorney, Enforcement  
Compliance and Investigations  
TDI, Division of Workers' Compensation

**Unsworn Declaration**

**STATE OF** Texas §  
§  
**COUNTY OF** Dallas §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Joseph Griffin. I hold the position of Claims Operations Manager and am the authorized representative of ACIG Insurance Company. My business address is: 2600 N. Central Expy, Unit 800, Richardson, Dallas, Texas, 75080.  
(Street) (City) (County) (State) (ZIP Code)

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts stated in this document are true and correct.

  
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Declarant

Executed on September 2, 2025.