

No. **2025-9618**

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

**Date: 11/21/2025**

**Subject Considered:**

Travelers Property Casualty Company of America  
1 Tower Square  
Hartford, Connecticut 06183-0001

Consent Order  
DWC Enforcement File No. 37239

**General remarks and official action taken:**

This is a consent order with Travelers Property Casualty Company of America (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 workers' compensation/employers' liability insurance in Texas.
2. Respondent was classified as "average" tier in the 2020, 2022, and 2024 Performance Based Oversight (PBO) assessments.

Failure to Accurately and Timely Pay Accrued Impairment Income Benefits (IIBs)

3. On [REDACTED], a DWC presiding officer ordered a designated doctor (DD) examination regarding the issues of maximum medical improvement (MMI), impairment rating (IR), and extent of injury.
4. On [REDACTED], the DD determined that the injured employee had not reached MMI, but was expected to do so by [REDACTED].
5. On [REDACTED], the injured employee reached statutory MMI.
6. On [REDACTED], Respondent requested another DD exam for the injured employee.
7. On [REDACTED], Respondent received a certifying doctor (CD) report of a CD examination performed on [REDACTED], at the request of the injured employee's treating doctor.
8. The CD determined that the injured employee reached statutory MMI on [REDACTED] with a [REDACTED] IR.
9. Based on the CD report, Respondent was required to pay 42 weeks of IIBs at a rate of [REDACTED] per week.
10. On [REDACTED], Respondent received a DD report of a DD exam performed on [REDACTED]. The DD determined that the injured employee reached statutory MMI on [REDACTED], with a [REDACTED] IR.
11. Based on the [REDACTED], DD report, Respondent was required to pay 87 weeks of IIBs at a rate of [REDACTED] per week. Respondent was required to pay IIBs based on the opinion of the DD during the pendency of the ongoing dispute regarding MMI and IR.
12. Respondent accurately and timely paid IIBs from [REDACTED], to [REDACTED].
13. On [REDACTED], Respondent paid the remaining balance of the injured employee's attorney fees. Because the attorney fee balance was paid, the injured employee's IIBs payment increased from [REDACTED] per week to [REDACTED] per week.

14. On [REDACTED], [REDACTED], and [REDACTED], Respondent continued to deduct [REDACTED] in attorney fees per week and pay [REDACTED] in IIBs. This resulted in an underpayment of [REDACTED] in IIBs over the three payments.
15. On [REDACTED], Respondent paid [REDACTED] for the week's IIBs payment, [REDACTED] for the underpayment, and an additional [REDACTED] in IIBs. Respondent did not pay interest with the [REDACTED] underpayment.
16. Between [REDACTED], and [REDACTED], Respondent should have paid [REDACTED] in IIBs per week. However, Respondent again continued to deduct [REDACTED] in attorney fees and pay [REDACTED] in IIBs, resulting in an underpayment of [REDACTED] in IIBs over the five payments. However, due to the overpayment of [REDACTED], the total underpayment was [REDACTED] in IIBs.
17. Respondent was required to pay IIBs to the injured employee for the period between [REDACTED], through [REDACTED]. The IIBs payments were due seven days after the first day of the pay period. Respondent did not timely pay [REDACTED] in accrued IIBs owed for this six-week period.
18. On [REDACTED], the IIBs total underpayment was [REDACTED].
19. Respondent was required to pay IIBs to the injured employee for the period between [REDACTED], through [REDACTED]. The IIBs payments were due seven days after the first day of the pay period. Respondent failed to timely pay [REDACTED] in IIBs, as follows:

	Payment Period	Date Due	Date Paid	Days Late
a.	[REDACTED]	[REDACTED]	[REDACTED]	181
b.	[REDACTED]	[REDACTED]	[REDACTED]	174
c.	[REDACTED]	[REDACTED]	[REDACTED]	167
d.	[REDACTED]	[REDACTED]	[REDACTED]	160
e.	[REDACTED]	[REDACTED]	[REDACTED]	153
f.	[REDACTED]	[REDACTED]	[REDACTED]	146
g.	[REDACTED]	[REDACTED]	[REDACTED]	139
h.	[REDACTED]	[REDACTED]	[REDACTED]	132
i.	[REDACTED]	[REDACTED]	[REDACTED]	125
j.	[REDACTED]	[REDACTED]	[REDACTED]	118
k.	[REDACTED]	[REDACTED]	[REDACTED]	111

	Payment Period	Date Due	Date Paid	Days Late
l.				104
m.				95
n.				89
o.				83
p.				76
q.				69
r.				62
s.				55
t.				48
u.				41
v.				34
w.				27
x.				20
y.				13
z.				6
aa.				7

20. On [REDACTED], Respondent paid an additional [REDACTED] in IIBs, reducing the underpayment to [REDACTED]. Respondent did not pay interest.

21. On [REDACTED], Respondent paid the [REDACTED] in underpaid IIBs, [REDACTED] of the payment was for the benefit periods between [REDACTED], through [REDACTED]. Respondent failed to timely pay the [REDACTED] in IIBs as follows:

	Payment Period	Date Due	Date Paid	Days Late
a.				409
b.				402
c.				395
d.				388
e.				381
f.				374

22. Also on [REDACTED] Respondent paid interest 453 and 122 days late, respectively.

### **Assessment of Sanction**

1. Failure to provide income benefits and interest 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, involving failure to accurately pay IIBs for eight weeks and to timely pay IIBs after a DD report requested by Respondent and resulting in 27 weeks of IIBs paid between seven and 181 days late. Further, the [REDACTED] underpayment was not corrected until the negotiation of this consent order. This delay in paying IIBs resulted in six payments being at least 374 days late with two of the payments over 400 days late;
  - b. Respondent has a history of similar administrative violations, including three consent orders involving late payment of income benefits;

- c. The violations negatively impacted the delivery of [REDACTED] in income benefits and interest; and
  - d. Respondent received an economic benefit from the prohibited acts.
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 violates a DWC rule or a provision of the Texas Workers' Compensation Act

Failure to Timely Pay Accrued IIBs

6. Pursuant to Tex. Lab. Code § 408.0041(f), an insurance carrier must pay benefits based on the opinion of the DD during any pending dispute.
7. 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.
8. Pursuant to Tex. Lab. Code § 408.121(b) and 28 Tex. Admin. Code § 130.8, an employee's entitlement to IIBs begins the day after the employee reaches MMI and, when the date of MMI is not disputed, the carrier shall initiate payment of IIBs on or before the fifth day after the date of receipt of the employee's treating doctor's medical evaluation report.
9. Respondent violated Tex. Lab. Code §§ 408.121; 415.002(a)(16), (20), and (22); and 28 Tex. Admin. Code § 130.8 each time Respondent failed to timely pay IIBs.

Inaccurate Payment of IIBS

10. 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. An employee is entitled to timely and accurate benefits.
11. Pursuant to Tex. Lab. Code § 408.126, an impairment income benefit is equal to 70% of the employee's average weekly wage.
12. Respondent violated Tex. Lab. Code §§ 408.081, 408.126, 409.023, 415.002(a)(16) and (22) each time Respondent failed to accurately pay IIBs.

Failure to Timely Pay Interest with Indemnity Benefits

13. Pursuant to Tex. Lab. Code § 408.064 and 28 Tex. Admin. Code § 126.12(b), accrued but unpaid income benefits and interest shall be paid in a lump sum.
14. Respondent violated Tex. Lab. Code §§ 408.064 and 415.002(a)(20) and (22) and 28 Tex. Admin. Code § 126.12(b) each time Respondent failed to timely pay interest with accrued but unpaid income benefits.

**Order**

It is ordered that Travelers Property Casualty Company of America must pay an administrative penalty of \$14,000 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, Travelers Property Casualty Company of America 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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