No. 2026-9947

Official Order
of the
Texas Commissioner of Workers' Compensation

Date: 5/28/2026

Subject Considered:

Everest Premier Insurance Company
Warren Corporate Center
100 Everest Way
Warren, New Jersey 07059-5195

Consent Order
DWC Enforcement File No. 38457

General remarks and official action taken:

This is a consent order with Everest Premier 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 2022 and 2024 Performance Based Oversight (PBO) assessments, and "poor" tier in the 2020 PBO assessment.

Failure to Timely Pay Accrued Impairment Income Benefits (IIBs)

3. Respondent was required to pay IIBs to an injured employee from Feb. 26, 2025, to Oct. 7, 2025. The IIBs payments were due seven days after the first day of the period. Respondent failed to timely pay $19,728 in IIBs, as follows:

	Payment Period	Date Due	Date Paid	Days Late
a.	02-26-2025 to 03-04-2025	03-05-2025	10-14-2025	223
b.	03-05-2025 to 03-11-2025	03-12-2025	10-14-2025	216
c.	03-12-2025 to 03-18-2025	03-19-2025	10-14-2025	209
d.	03-19-2025 to 03-25-2025	03-26-2025	10-14-2025	202
e.	03-26-2025 to 04-01-2025	04-02-2025	10-14-2025	195
f.	04-02-2025 to 04-08-2025	04-09-2025	10-14-2025	188
g.	04-09-2025 to 04-15-2025	04-16-2025	10-14-2025	181
h.	04-16-2025 to 04-22-2025	04-23-2025	10-14-2025	174
i.	04-23-2025 to 04-29-2025	04-30-2025	10-14-2025	167
j.	04-30-2025 to 05-06-2025	05-07-2025	10-14-2025	160
k.	05-07-2025 to 05-13-2025	05-14-2025	10-14-2025	153
l.	05-14-2025 to 05-20-2025	05-21-2025	10-14-2025	146
m.	05-21-2025 to 05-27-2025	05-28-2025	10-14-2025	139
n.	05-28-2025 to 06-03-2025	06-04-2025	10-14-2025	132
o.	06-04-2025 to 06-10-2025	06-11-2025	10-14-2025	125
p.	06-11-2025 to 06-17-2025	06-18-2025	10-14-2025	118
q.	06-18-2025 to 06-24-2025	06-25-2025	10-14-2025	111
r.	06-25-2025 to 07-01-2025	07-02-2025	10-14-2025	104
s.	07-02-2025 to 07-08-2025	07-09-2025	10-14-2025	97
t.	07-09-2025 to 07-15-2025	07-16-2025	10-14-2025	90
u.	07-16-2025 to 07-22-2025	07-23-2025	10-14-2025	83
v.	07-23-2025 to 07-29-2025	07-30-2025	10-14-2025	76
w.	07-30-2025 to 08-05-2025	08-06-2025	10-14-2025	69
x.	08-06-2025 to 08-12-2025	08-13-2025	10-14-2025	62
y.	08-13-2025 to 08-19-2025	08-20-2025	10-14-2025	55
z.	08-20-2025 to 08-26-2025	08-27-2025	10-14-2025	48
aa.	08-27-2025 to 09-02-2025	09-03-2025	10-14-2025	41
ab.	09-03-2025 to 09-09-2025	09-10-2025	10-14-2025	34
ac.	09-10-2025 to 09-16-2025	09-17-2025	10-14-2025	27
ad.	09-17-2025 to 09-23-2025	09-24-2025	10-14-2025	20

	Payment Period	Date Due	Date Paid	Days Late
ae.	09-24-2025 to 09-30-2025	10-01-2025	10-14-2025	13
af.	10-01-2025 to 10-07-2025	10-08-2025	10-14-2025	6

4. On Dec. 12, 2025, Respondent paid $907.56 in interest 59 days late.

<u>Failure to Accurately Pay Accrued IIBs</u>

5. Respondent was required to pay $616.50 in IIBs to the injured employee and $205.50 in attorney fees for the period of Oct. 8, 2025, to Oct. 14, 2025.

6. On Oct. 14, 2025, Respondent paid $443.90 in IIBs and $329.97 in attorney fees, underpaying IIBs by $172.60.

7. On Dec. 22, 2025, Respondent paid $48.13, reducing the deficit to $124.47.

8. On Dec. 24, 2025, Respondent paid $1.65 in interest two days late.

9. On May 6, 2026, Respondent cured the deficit.

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;
   - 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 seriousness of the violation, including continuing non-compliance regarding $124.47 in IIBs owed to the injured employee, which is a priority violation under Tex. Lab. Code § 402.0235;
   b. the seriousness of the violation, including $20,220.03 of IIBs paid up to 223 days late;
   c. Respondent's history of similar administrative violations, including two recent consent orders involving late IIBs;
   d. a penalty necessary to deter future violations;
   e. the negative impact on the delivery of $20,344.50 in IIBs to an injured employee; and
   f. evidence of 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, 414.003, and 415.021.

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)(22), an insurance carrier or its representative commits an administrative violation each time it fails to comply with a provision of the Texas Workers' Compensation Act.

<u>Failure to Timely Pay Accrued IIBs</u>

6. 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.

7. Respondent violated Tex. Lab. Code §§ 408.081, 409.023, 415.002(a)(16) and (22) each time Respondent failed to timely pay IIBs.

<u>Failure to Accurately Pay Accrued IIBs</u>

8. Pursuant to Tex. Lab. Code § 408.126, IIBs are equal to 70% of the employee's average weekly wage.

9. 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.

10. 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

11. Pursuant to Tex. Lab. Code § 415.002(a)(20), an insurance carrier or its representative commits an administrative violation each time it fails to comply with the DWC rules.

12. 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.

13. Respondent violated Tex. Lab. Code § 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 Everest Premier Insurance Company must pay an administrative penalty of $16,500 within 30 days from the date the Commissioner signs the order.

After receiving an invoice from DWC, Everest Premier Insurance Company must pay the administrative penalty either: (1) by electronic transfer using the State Invoice Payment Service; OR (2) by company check, cashier's check, or money order.

To ensure proper check or money order processing:

- Make the check payable to the "Texas Division of Workers' Compensation";
- Enclose a copy of the attached invoice with the check or money order; and
- Mail the check or money order to the Texas Department of Insurance, Attn: DWC Enforcement Section, MC AO-9999, PO Box 12030, Austin, Texas 78711-2030.

Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:

Savanna O'Neal
Staff Attorney, Enforcement
Compliance and Investigations
TDI, Division of Workers' Compensation

2026-9947

Unsworn Declaration

STATE OF New Jersey §
§
COUNTY OF Somerset §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Patrick Stetz. I hold the position of Vice President, Claims and am the authorized representative of Everest Premier Insurance Company. My business address is:

200 Everest Way, Warren, Somerset, NJ, 07059.

(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.

Signed by:
Patrick Stetz
7A2A7455294F484

Declarant

Executed on May 11, 2026.