

CHAPTER 122. COMPENSATION PROCEDURES - CLAIMANTS

SUBCHAPTER A. CLAIMS PROCEDURE FOR INJURED EMPLOYEES

§122.1. Notice to Employer of Injury or Occupational Disease.

- (a) Except as provided in subsection (b) of this section, an injured employee, or a person acting on that employee's behalf, shall notify an employer of an injury not later than the 30th day after the date on which the injury occurs. The notice of injury should include the following information:
- (1) the name, address, and telephone number (if any) of the injured employee
 - (2) the date, time, and place the injury occurred;
 - (3) a description of the circumstances and the nature of the injury;
 - (4) the names of any witnesses (if known);
 - (5) the name and location of the health provider that has treated the employee for the injury; and
 - (6) the name of the person (if any) acting on behalf of the injured employee.
- (b) An employee whose injury results from an occupational disease, or a person acting on that employee's behalf, must give notice as required in subsection (a) of this section not later than the 30th day after the date on which the employee knew or should have known that the disease may be related to the employment. This notice must be given to the employer for whom the employee worked on the date of the last injurious exposure to the hazards of the disease.
- (c) Any notice to the employer may be given to any employee of the employer who holds a supervisory or management position.
- (d) Failure to notify the employer shall relieve the employer and the employer's insurance carrier from liability under the Texas Workers' Compensation Act unless:
- (1) the employer, or person eligible to receive notice under subsection (c) of this section, or the insurance carrier, had actual knowledge of the injury;
 - (2) good cause exists for failure to give notice in a timely manner; or
 - (3) the employer or insurance carrier does not contest the claim.

The provisions of this §122.1 adopted to be effective January 28, 1991, 16 TexReg 228.

§122.2. Injured Employee's Claim for Compensation.

- (a) An injured employee, or a person acting on the injured employee's behalf, shall file with the commission a written claim for compensation within one year after the date of the injury's occurrence, except as provided in subsection (b) of this section.
- (b) An employee whose injury results from an occupational disease, or a person acting on that employee's behalf, shall file with the commission a written claim for compensation within one year after the date the employee knew or should have known that the disease was related to the employment.

- (c) The claim should be submitted to the commission either on paper or via electronic transmission, in the form, format, and manner prescribed by the commission, and should include the following:
- (1) the name, address, telephone number (if any), occupation, wage, and social security number of the injured employee;
 - (2) the length of time the employee worked for the employer prior to the date of injury;
 - (3) the date, time, and location the injury occurred (or the date the employee knew or should have known that the occupational disease was related to the employment);
 - (4) a description of the circumstances and nature of the injury;
 - (5) the names of witnesses (if any);
 - (6) the name and location of the employer at the time of the injury (or, if the injury claimed is an occupational disease, the name and location of the employer at the time of the last injurious exposure to the hazards of the occupational disease);
 - (7) the name of the employee's immediate supervisor;
 - (8) the name and address of at least one health care provider that has treated the employee for the injury; and
 - (9) the identity of the person (if any) acting on behalf of the injured employee.
- (d) Failure to file a claim for compensation with the commission no later than one year from the incident shall relieve the employer and the employer's insurance carrier from liability under the Act unless:
- (1) good cause exists for failure to file a claim in a timely manner; or
 - (2) the employer or insurance carrier does not contest the claim.

The provisions of this §122.2 adopted to be effective January 25, 1991, 16 TexReg 173; amended to be effective September 12, 2004, 29 TexReg 8560.