



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 15, 1997

Ms. Claudia Nadig
Assistant General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH-35
Austin, Texas 78704

OR97-1109

Dear Ms. Nadig:

On behalf of the Texas Workers' Compensation Commission (the "commission"), you ask us to reconsider Open Records Letter Nos. 97-0336 (1997) and 97-0337 (1997). Your requests for reconsideration were assigned ID# 105688 and ID# 105689.

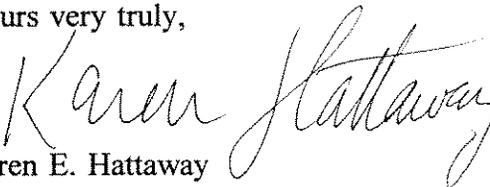
In Open Records Letter Nos. 97-0336 (1997) and 97-0337 (1997), we ruled that section 482.083(a) of the Labor Code does not make confidential certain petitions filed with a court for purposes of an appeal. These petitions contain information that identifies injured workers who filed workers' compensation claims. You assert that Open Records Letter Nos. 97-0336 (1997) and 97-0337 (1997) are inconsistent with Open Records Letter No. 96-0638 (1996). We disagree. The identities of injured workers were not at issue in Open Records Letter No. 96-0638 (1996).

You also contend that section 402.083(a) of the Labor Code requires the commission to de-identify the petitions before publicly disclosing them. In Open Records Letter Nos. 97-0336 (1997) and 97-0337 (1997), we concluded, based in part on section 402.086(a) of Labor Code, that section 402.083(a) does not protect petitions that have been filed with a court for purposes of an appeal. Section 402.086(a) indicates that once information is used in court for purposes of an appeal, it is no longer confidential. In your request for reconsideration, you do not address section 402.086(a). Therefore, we affirm our conclusion that section 402.083(a) of the Labor Code does not protect information contained in petitions that have been filed with a court for purposes of an appeal.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,


Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 105688 and ID# 105689

Enclosures: Submitted documents

cc: Mr. Michael Greenberg
Law Offices of Richard Pena, P.C.
901 South MoPac, Suite 325
Austin, Texas 78746-5747
(w/o enclosures)

Ms. Carmen Rodriguez
Attorney & Counselor
1220 Montana Avenue
El Paso, Texas 79902
(w/o enclosures)