

No. **2026-9870**

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

Date: 4/6/2026

Subject Considered:

Arch Indemnity Insurance Company
300 Plaza Three
Jersey City, New Jersey 07311-1107

Consent Order
DWC Enforcement File No. 38177

General remarks and official action taken:

This is a consent order with Arch Indemnity 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 2020, 2022, and 2024 Performance Based Oversight (PBO) assessments.

Failure to Timely Comply with a DWC Order for Advance Payment of Benefits

3. On Sept. 2, 2025, DWC ordered Respondent to pay a \$4,200 advance on income benefits. Respondent received the order on Sept. 3, 2025.
4. Respondent was required to pay the advance on benefits within seven days of receiving the order, or by Sept. 10, 2025.
5. On Sept. 19, 2025, Respondent paid \$1,284.63 to the injured employee and \$1,000 to the injured employee's attorney nine days late. However, Respondent should have paid \$1,575 to the injured employee and \$1,050 to the employee's attorney.
6. On Sept. 23, 2025, Respondent deducted \$1,715.37 from the advance for child support and paid \$200 to the injured employee 13 days late. Respondent should have deducted \$1,575 for child support, paid \$290.37 to the injured employee, and paid \$50 to the injured employee's attorney. Nevertheless, after the payments on Sept. 23, 2025, Respondent had paid a total of \$4,200.
7. On Sept. 29, 2025, Respondent corrected its underpayment of attorney fees by paying the injured employee's attorney \$50.
8. On Oct. 2, 2025, Respondent corrected its underpayment of the injured employee by paying the injured employee \$94.42.

Assessment of Sanction

1. Compliance with DWC orders is imperative to minimize disputes and resolve them promptly and fairly. Additionally, 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 violation is serious, involving Respondent's failure to comply with an order advancing benefits due to financial need, which is a priority violation under Tex. Lab. Code § 402.0235;
 - b. Respondent has a history of similar administrative violations, including three recent consent orders involving failure to comply with DWC orders;
 - c. a penalty is necessary to deter future violations; and
 - d. the violation negatively impacted the delivery of \$4,200 in benefits to an injured employee.
4. DWC considered Respondent's good faith attempt to correct the underpayments after identifying the errors as a mitigating factor 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, and 414.002.
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)(17), an insurance carrier or its representative commits an administrative violation if it fails to pay an order awarding benefits.
6. 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.
7. Pursuant to Tex. Lab. Code §§ 415.0035(e) and 415.031(a), a person regulated by DWC under this title commits an administrative violation if they violate the Texas Workers' Compensation Act, a DWC rule, or a commissioner's order or decision.
8. Pursuant to Tex. Lab. Code § 408.085 and 28 Tex. Admin. Code § 126.4, an insurance carrier is required to pay an advance ordered by the division within seven days of the date of receipt of the notice from the division by the insurance carrier or insurance carrier's Austin representative.
9. Respondent violated Tex. Lab. Code §§ 408.085; 415.002(a)(17), (20) and (22); 415.0035(e); and 28 Tex. Admin. Code § 126.4 by failing to timely pay a division ordered advance within seven days of receipt of the order.

Order

It is ordered that Arch Indemnity Insurance Company must pay an administrative penalty of \$1,500 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, Arch Indemnity 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.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:



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

Unsworn Declaration

STATE OF New Jersey

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COUNTY OF Hudson

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Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Kevin Patterson. I hold the position of Assistant Vice President and am the authorized representative of Arch Indemnity Insurance Company. My business address is: 210 Hudson Street Suite 600, Jersey City, Hudson, NJ, 07311.
(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.

Kevin Patterson
Declarant

Executed on March 5th, 2026.