Confidential Information Redacted
Texas Labor Code §§402.083 and 402.092

No. 2026-9885

Official Order
of the
Texas Commissioner of Workers' Compensation

Date: 4/15/2026

Subject Considered:

FedEx Ground Package System Inc.
1000 FedEx Drive
Coraopolis, Pennsylvania 15108-9373

Consent Order
DWC Enforcement File Nos. 37981

General remarks and official action taken:

This is a consent order with FedEx Ground Package System Inc. (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 is a certified, self-insured, employer that provides workers' compensation benefits to its employees in accordance with Tex. Lab. Code Ch. 407.

2. Respondent was classified as "average" tier in the 2020 and 2024 Performance Based Oversight (PBO) assessments. Respondent was classified as "poor" tier in the 2022 PBO assessment.

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Failure to Accurately Pay Temporary Income Benefits (TIBs)

3. On [redacted], an injured employee suffered a workplace injury.

4. The injured employee had an average weekly wage of $922.94, which entitled the injured employee to a TIBs rate of $646.06.

5. On March 19, 2024, the injured employee's treating doctor issued a DWC-073, *Work Status Report* (DWC-73), allowing the injured employee to return to work with restrictions. On the same day, Respondent made a bona fide offer of employment that the injured employee accepted.

6. The injured employee earned wages that fluctuated and was entitled to a TIBs amount that varied from benefit period to benefit period.

7. Between Aug. 10, 2024, and Oct. 26, 2024, Respondent underpaid the injured employee as follows:

Benefit week	Post-injury earnings (PIE)	TIBs Owed	TIBs paid	Underpaid
08-10-2024 to 08-16-2024	$68.37	$598.20	$458.63	$139.57
08-17-2024 to 08-23-2024	$53.19	$608.82	$458.63	$150.19
08-24-2024 to 08-30-2024	$51.41	$610.07	$458.63	$151.44
08-31-2024 to 09-06-2024	$180.83	$519.47	$458.63	$60.84
09-07-2024 to 09-13-2024	$192.12	$511.57	$458.63	$52.94
09-14-2024 to 09-20-2024	$0	$646.06	$458.63	$187.43
09-21-2024 to 09-27-2024	$58.17	$605.34	$458.63	$146.71
09-28-2024 to 10-05-2024	$0	$646.06	$458.63	$187.43
10-20-2024 to 10-26-2024	$187	$646.06	$458.63	$56.30

8. Respondent underpaid the injured employee $1,132.85 up to 77 days late.

9. On March 10, 2025, Respondent paid $801, leaving an unpaid balance of $331.85.

10. On Feb. 24, 2026, Respondent paid the remaining $331.85 plus interest.

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Assessment of Sanction

1. Failure to provide correct 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 $1,132.85 in underpaid benefits up to 77 days late;
   b. Respondent's history of previous violations, including 10 consent orders and seven warning letters, and six actions involving TIBs;
   c. a penalty is necessary to deter future violations;
   d. the negative impact on the delivery of $1,132.85 in benefits; and
   e. Respondent has a heightened awareness of its 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, and 414.003. Further, 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).

2. 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, notice of intent to institute disciplinary action, notice of hearing, a hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.

3. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.

4. Pursuant to Tex. Lab. Code § 415.002(a)(20) and (22), an insurance carrier or its representative commits an administrative violation each time it fails to comply with a DWC rule or a provision of the Texas Workers' Compensation Act.

<u>Failure to Accurately Pay TIBs</u>

5. Pursuant to Tex. Lab. Code § 408.103 and Tex. Admin. Code § 129.3, the insurance carrier is required to pay the correct amount of TIBs.

6. Respondent violated Tex. Lab. Code §§ 408.103; 415.002(a)(20) and (22); and 28 Tex. Admin. Code § 129.3 each time Respondent failed to accurately pay TIBs.

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Order

It is ordered that FedEx Ground Package System Inc. must pay an administrative penalty of $2,500 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, FedEx Ground Package System Inc. 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:

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

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Unsworn Declaration

STATE OF Texas §
§
COUNTY OF Tarrant §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Sherae Fisher. I hold the position of Workers Comp Advisor and am the authorized representative of FedEx Ground Package System Inc. My business address is:
4901 Village Creek Rd, Fort Worth, Tarrant, Texas, 76119.
(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.

Sherae Fisher
Declarant

Executed on March 2, 2026.

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