

No. 2026-9896

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

Date: 4/24/2026

Subject Considered:

Williamsburg National Insurance Company
26255 American Drive
Southfield, Michigan 48038-6112

Consent Order
DWC Enforcement File Nos. 38206 & 38357

General remarks and official action taken:

This is a consent order with Williamsburg National 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 workers' compensation/employers' liability insurance in Texas.
2. Respondent was not selected to be tiered in the 2024, 2022, or 2020 Performance Based Oversight (PBO) assessments.

Failure to Timely Initiate and Accurately Pay Supplemental Income Benefits

File No. 38357

3. On Aug. 18, 2025, Respondent received a *Notice of Entitlement to Supplemental Income Benefits* (SIBs), for the first quarter. The first quarter of SIBs began on Aug. 24, 2025.
4. Respondent's payment for the first month of the first quarter was due by the 10th day after Respondent received DWC's determination of entitlement or the seventh day of the first quarter, whichever is later. In this case, the latest date was Sept. 2, 2025.
5. On Sept. 15, 2025, Respondent paid \$2,295.86 in SIBs for the first month of the first quarter 13 days late. At the same time, Respondent paid the injured employee's attorney \$765.28 in attorney's fees for a total of \$3,061.14.
6. Respondent's SIBs payment for the second month of the first quarter was due on or before the 37th day of the first quarter, or by Sept. 29, 2025.
7. On Oct. 1, 2025, Respondent inaccurately paid \$3,061.14 in SIBs to the injured employee for the second month of the first quarter two days late, overpaying the injured employee by \$765.28.

Failure to Timely Pay Attorney Fees Ordered by DWC

File No. 38206

8. On Sept. 17, 2025, DWC ordered Respondent to pay \$5,000 in attorney fees for representing an injured employee in a dispute involving entitlement to SIBs.
9. Respondent was required to pay \$5,000 in attorney fees by lump sum to the attorney within seven days of receiving the attorney fee order (AFO), or by Sept. 24, 2025.
10. On Oct. 21, 2025, Respondent paid \$5,000 to the attorney 27 days late.

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. Further, failure to timely pay attorney fees ordered by DWC hinders the division's goal of providing a _____ and is harmful to the Texas workers' compensation system.
3. 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;
 - to the extent reasonable, 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.
4. 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 violations are serious, involving \$5,356 in benefits delivered up to 13 days late, and failure to comply with a DWC order, which is a priority violation under Tex. Lab. Code § 402.0235;
 - b. Respondent has three consent orders and one warning letter related to benefit delivery since 2023;

- c. a penalty is necessary to deter future violations;
 - d. the negative impact on the delivery of \$5,356 in benefits to an injured employee; and
 - e. there is evidence of Respondent's heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
5. DWC considered as mitigating Respondent's lack of prior violations related to SIBs or attorney's fees pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
6. 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).
7. 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.
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)(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.

Failure to Pay Initial SIBs

File No. 38357

6. Pursuant to Tex. Lab. Code § 408.144, SIBs are calculated quarterly and paid monthly.
7. Pursuant to Tex. Lab. Code § 408.145, an insurance carrier must pay SIBs no later than the seventh day after the employee's impairment income benefit period expires and must continue to pay the benefits in a timely manner.
8. Pursuant to Tex. Lab. Code § 409.023, an insurance carrier must continue to pay benefits promptly as and when benefits accrue without a final decision, order, or other action from the commissioner, except as otherwise provided.
9. Pursuant to 28 Tex. Admin. Code § 130.107, an insurance carrier must make the first payment of SIBs for the first quarter by the 10th day after receiving a DWC determination of entitlement or the seventh day of the quarter, whichever is later. An insurance carrier must make the second payment by the 37th day of the quarter and the third payment by the 67th day of the quarter.
10. Respondent violated Tex. Lab. Code §§ 408.145, 409.023; 415.002(a)(20) and (22); and 28 Tex. Admin. Code § 130.107 by failing to timely pay SIBs for the first and second month of the first quarter.

Failure to Timely Pay Attorney Fees Ordered by DWC

File No. 38206

11. Pursuant to Tex. Lab. Code § 408.147(c), if an insurance carrier disputes the commissioner's determination that an injured employee is entitled to SIBs or the amount of SIBs due and the injured employee prevails on any disputed issue, the insurance carrier is liable for reasonable and necessary attorney's fees incurred by the injured employee as a result of the insurance carrier's dispute.

12. Pursuant to Tex. Lab. Code §§ 415.021(a) and 415.0035(e), an insurance carrier commits an administrative violation if it violates, fails to comply with, or refuses to comply with a DWC order.
13. Pursuant to 28 Tex. Admin. Code § 152.1(c), insurance carriers are required to pay attorney fees ordered by DWC. The insurance carrier must begin payment within seven days after receiving the order.
14. Pursuant to 28 Tex. Admin. Code § 152.1(f), an attorney for an employee who prevails when a carrier contests a commission determination of eligibility for SIBs shall be eligible to receive a reasonable and necessary attorney's fee, including expenses. This fee is payable by the carrier, not out of the employee's benefits, and the fee shall not be limited to a maximum of 25% of the employee's recovery. All provisions of these rules, except §152.4 of this title (relating to Guidelines for Legal Services Provided to Claimants and Carriers), apply.
15. Respondent violated Tex. Lab. Code §§ 415.002(a)(20) and (22); 415.021(a); 415.0035(e); and 28 Tex. Admin. Code § 152.1(c) by failing to timely comply with a DWC order to pay attorney fees.

Order

It is ordered that Williamsburg National Insurance Company must pay an administrative penalty of \$4,300 within 30 days from the date the Commissioner signs the order.

After receiving an invoice from DWC, Williamsburg National 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 "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:



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

Confidential Information Redacted Texas Labor Code §§402.083 and 402.092

Unsworn Declaration

STATE OF Nevada §
§
COUNTY OF Clark §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Joseph A.. I hold the position of Claims Director and am the authorized representative of Williamsburg National Insurance Company. My business address is:
10100 West Charleston, Las, Clark, NV, 89109.
(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.

Joseph A. 
Declarant

Executed on 03/27, 2026.