

No. **2026-9899**

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

Date: 4/28/2026

Subject Considered:

Liberty Mutual Fire Insurance Company
175 Berkeley Street
Boston, Massachusetts 02116-5066

Consent Order
DWC Enforcement File No. 38411

General remarks and official action taken:

This is a consent order with Liberty Mutual Fire 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 classified as "high" tier in the 2024 Performance Based Oversight (PBO) assessment. Respondent was classified as "average" tier in the 2022 and 2020 PBO assessments.

Failure to Timely Pay Attorney Fees Ordered by DWC

3. Between Dec. 4, 2024, and Aug. 20, 2025, DWC ordered Respondent to pay \$10,216.25 in attorney fees for representing an injured employee at a rate of 25% of each income benefit paid to the injured employee.
4. Between Dec. 20, 2024, and Aug. 28, 2025, Respondent paid benefits to the injured employee (IE) on multiple dates. However, Respondent failed to timely pay \$2,045.25 in attorney fees at the approved rate, as follows:

	Benefits Paid to IE	Attorney Fee Owed	Date Due	Date Paid	Days Late
a.	\$731.77	\$243.93	12-20-2024	12-23-2024	3
b.	\$3,767.70	\$869.08	04-01-2025	05-05-2025 ¹	34
c.	\$1,174	\$216.24	05-22-2025	05-30-2025	8
d.	\$411	\$205.50	07-10-2025	07-17-2025	7
e.	\$716	\$205.50	08-15-2025	09-19-2025 ²	35
f.	\$822	\$205.50	08-22-2025	09-19-2025	28
g.	\$822	\$205.50	08-28-2025	09-19-2025	22

Assessment of Sanction

1. Failure to timely pay attorney fees ordered by DWC hinders the division's goal of providing a fair and accessible dispute resolution process and is harmful to 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;

¹ Respondent made partial attorney fee payments of \$293.50 on April 4, 2025, and \$187 on April 18, 2025, but did not come into full compliance until paying the remaining due balance of \$388.58 on May 5, 2025.

² Respondent made a partial attorney fee payment of \$106 on Aug. 15, 2025, but did not come into full compliance until paying the remaining due balance of \$99.50 on Sept. 19, 2025.

- 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 \$2,045.25 in attorney fees delivered up to 35 days late;
 - b. Respondent has a history of similar administrative violations, including a recent consent order involving late attorney fees and another consent order involving violation of a DWC order in the last five years;
 - c. a penalty is necessary to deter future violations; and
 - d. Respondent is the 19th largest workers' compensation insurance carrier in Texas and has a heightened awareness of its legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
4. DWC considered Respondent's "high" PBO status in 2024 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, 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.
6. 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.
7. 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 out of the approved income benefits by mailing a check to the attorney within seven days after receiving the order. As the insurance carrier pays income benefits, it must pay attorney fees until the fees are completely paid or income benefits cease.
8. 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 Liberty Mutual Fire Insurance Company must pay an administrative penalty of \$1,800 within 30 days from the date the Commissioner signs the order.

After receiving an invoice from DWC, Liberty Mutual Fire 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:



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

Unsworn Declaration

STATE OF Texas §
§
COUNTY OF Denton §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is Ben Fleming. I hold the position of Team Manager and am the authorized representative of Liberty Mutual Fire Insurance Company. My business address is:

7900 Windrose Ave, Plano, Denton, TX, 75024.
(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.

Benjamin M Fleming
Declarant

Executed on April 7th, 2026.