

DOWNS & STANFORD, P.C.

ATTORNEYS AND COUNSELORS

DALLAS | AUSTIN | HOUSTON

12404 PARK CENTRAL DRIVE, SUITE 401N, DALLAS, TEXAS 75251
214.748.7900 T 214.748.4530 F
www.downsstanford.com

December 5, 2025

VIA ELECTRONIC MAIL

Benefit Review Officer
Texas Department of Insurance
Division of Workers' Compensation
1250 W Mockingbird Lane, Suite 200
Dallas, TX 75247

Re: Claimant: Jose Escobar Tavera (Deceased)
Employer: KIK Underground
D/Iinjury: 05/07/2024
Claim No.: 424-A-25843-01
DWC No.: 24247876
Our File No.: 52135

Dear Texas Department of Insurance:

Please see attached the 1st Supplemental Carrier's Benefit Review Conference Exchange for the above-referenced matter. The BRC is scheduled for **December 18, 2025**, at **2:00 p.m.** at the **Dallas** Field Office. Thank you for your time and attention to this matter.

Sincerely,

Wendy D. Schrock

Wendy D. Schrock
DOWNS & STANFORD, P.C.

WDS/hs
Enclosures

cc: Matthew Lewis – via electronic mail Wcattorneys@mlflegal.com
Derek Lewis (w/out enclosures) – via electronic mail derek.lewis@bitco.com



DOWNS & STANFORD, P.C.

ATTORNEYS AND COUNSELORS
DALLAS | AUSTIN | HOUSTON

December 18, 2025 BRC / 1st Supplemental Carrier's Exchange

Jose Escobar Tavera v. BITCO Insurance Company

Claimant: Jose Escobar Tavera (Deceased)
Employer: KIK Underground
D/Injury: 05/07/2024
Claim No.: 424-A-25843-01
DWC No.: 24247876
Our File No.: 52135

1. DWC Filings
 BRC Set Notice with DWC-45..... 10 pages
2. Draft DWC-24..... 1 page
3. CCH Decision and Order 6 pages



Request to schedule, reschedule, or cancel a benefit review conference (BRC)

Este formulario está disponible en español en el sitio web de la División en
www.tdi.texas.gov/forms/dwc/dwc045brcs.pdf
 Para obtener asistencia en español, llame a la División al 800-252-7031.

Part 1: Request specifications

1. I want to: <input checked="" type="checkbox"/> Schedule a BRC <input type="checkbox"/> Reschedule a BRC <input type="checkbox"/> Cancel a BRC (check only one box)		
2. I need: (check boxes) <input type="checkbox"/> Special accommodations (please specify) <input type="checkbox"/> Expedited BRC (provide reason)		

Part 2: Information about the claim

3. Employee's name (first, middle, last) Jose Escobar Tavera	4. Employee's physical address (street, city, state, ZIP code) 1016 N. High Hill Pl. #101BH, Dallas, TX 75203	
5. Insurance carrier's name BITCO Insurance Company	6. Date of injury (mm-dd-yyyy) 05/07/2024	7. Social Security number xxx-xx- 7026
8. Employer's business name (at the time of the injury) KIK Underground	9. Employer's business address (street or PO box, city, state, ZIP code) 106 Hillside Drive, Lewisville, TX 75057	

Part 3: Information about the party making the request

10. Who is making the request? <input type="checkbox"/> Injured employee <input type="checkbox"/> Insurance carrier <input type="checkbox"/> Employer <input type="checkbox"/> Subclaimant <input type="checkbox"/> Beneficiary <input checked="" type="checkbox"/> Attorney for <u>Carrier</u>		
11. Is the Office of Injured Employee Counsel (OIEC) assisting the injured employee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
12. Requester's name and mailing address (street or PO box, city, state, ZIP code) Wendy D. Schrock, 2001 Bryan Street, Suite 4000, Dallas, TX 75201		
13. Business/firm name (if applicable) Downs & Stanford, P.C.	14. Phone number 214-748-7900	15. Requester's email WSchrock@downsstanford.com

Employee's name: Jose Escobar Tavera
 DWC claim number: 24247876



For DWC Use Only

Part 4: Request to schedule a BRC

16. If you want to request a BRC, explain what the dispute is about: (check all boxes that apply)

- Compensability of the claim** – The insurance carrier denied the claim and is not going to pay income or medical benefits.
- Extent of the compensable injury** – The parties do not agree on what medical conditions were caused by the work-related injury.
- Temporary income benefits** – The insurance carrier does not agree that the work-related injury stops the injured employee from getting or keeping a job that pays what they earned before the injury.
- Supplemental income benefits** – The insurance carrier does not agree that the injured employee should get supplemental income benefits.
- Average weekly wage** – The parties do not agree about the average amount of money the employer paid the injured employee before the work-related injury.
- Maximum medical improvement and impairment rating** – The parties do not agree about whether the injured employee will have any further healing or recovery from the injury and to what percent the work-related injury affects the injured employee's body as a whole.
- Death benefits or burial benefits** – The insurance carrier does not agree that the beneficiary or beneficiaries should be paid death or burial benefits.
- Other** – Please describe.

Part 5: Request to reschedule or cancel a BRC

17. If you want to reschedule a BRC, explain why: (Attach any supporting documents.)

Note: If a BRC was held but you missed it, explain why you missed the BRC and why you did not contact the Texas Department of Insurance, Division of Workers' Compensation (DWC) before missing the BRC.

18. If you want to cancel a scheduled BRC, explain why: (Attach any supporting documents.)

Note: There are strict deadlines for requesting a BRC in some disputes. Requesting to cancel a BRC may be considered a withdrawal of the dispute, which can cause serious legal problems with your case.

Employee's name: Jose Escobar Tavera



DWC claim number: 24247876

For DWC Use Only

Part 6: Communication with other parties

19. Describe what you have done to resolve the disputed issues. This may include:

- how and when you contacted the other parties about this request
- what you agreed on and what you still disagree about
- describing your efforts to contact the other parties if you were not able to reach them

SEE ATTACHED

If you are requesting to reschedule a BRC, you must contact the other parties and DWC docketing to get an agreed date when everyone is available. The proposed date is:

(Attach more pages and supporting documents if needed.)

Note: Your request may be denied if you do not provide the required information.

20. Certify with your signature:

- I gave a copy of all important information that I have about the disputed issues to the other parties, and I made reasonable efforts to resolve the dispute. (You can learn more about important information, also called pertinent information, in the FAQ below on this form.)
- I sent a copy of this request to the other parties, including the injured employee's attorney or ombudsman (if they have one).

Signature Wendy L. Schuck Date 11/24/2025

Employee's name: Jose Escobar Tavera
DWC claim number: 24247876



For DWC Use Only

FAQ

Request to schedule, reschedule, or cancel a benefit review conference (BRC)

Where do I send this form? Send a copy of this form and attached documents to DWC and the other parties. You can fax or mail the completed form to DWC or drop the form off at a DWC field office.

- **Fax:** 512-804-4011
- **Mail:** Texas Department of Insurance, Division of Workers' Compensation
Hearings, Mail Code HRG
PO Box 12050
Austin, TX 78711-2050

What happens after DWC gets the DWC Form-045? If DWC approves your request, you will get a letter with the date and time of the BRC. If DWC denies your request, you will get a letter explaining why. You may send the request again with corrections or updated information. You may also request a contested case hearing to appeal the denial.

How soon will a BRC be scheduled? DWC will schedule a BRC within 40 days of getting a complete request. DWC will schedule a BRC within 20 days (expedited) if DWC determines that the BRC needs to happen sooner.

How are BRCs held? BRCs are held virtually, unless good cause is shown for an in-person BRC. **After** you get notice that a BRC is set, you may file a request with DWC if you think an in-person BRC is needed.

Will DWC provide special accommodations? DWC will provide accommodations to parties who qualify under the Americans with Disabilities Act. Other reasonable accommodations may be provided as needed.

When will a request to reschedule be approved? If you file your request to reschedule within 10 days of receiving notice of the BRC, it will be approved if there have been no other requests to reschedule by either party. For any other request to reschedule, you must explain your reason for the request.

Am I required to be in the BRC? Yes, unless you have good cause. There may be a penalty or fine if you miss a BRC.

What information do I need to share? You must share information about a dispute with the other parties before a BRC. This is called exchanging information. You should exchange only important information (pertinent information). Pertinent information includes any documents, records, or statements that will help you explain your side of the disputed issues. Go to www.tdi.texas.gov/wc/idr/exchange.html to learn more about exchanging information for a BRC.

What are the deadlines for sharing information?

- Before asking for a BRC, send the other parties a copy of all your important information about the dispute.
- If you get a BRC request from another party, you have 10 days to send a copy of all your important information to them.
- At least 14 days before the BRC, send DWC a copy of all your important information. At this same time, send copies of any new important information that you have not previously exchanged with the other parties.
- If the BRC is less than 14 days away, you should exchange new important information with DWC and the other parties as you get it.

Need help?

- Go to www.tdi.texas.gov/wc/employee/dispute.html to learn more about dispute resolution.
- If you want an attorney and need help finding one, call the **State Bar of Texas** at 1-800-252-9690.
- If you do not have an attorney and want help from an ombudsman, go to www.oiec.texas.gov or call **OIEC** at 1-866-393-6432, ext. 44186.

Questions?

Call 1-800-252-7031, Monday through Friday, 8 a.m. to 5 p.m., Central time.

Go to www.tdi.texas.gov/wc to learn more about workers' compensation.

Note: With few exceptions, on your request, you are entitled to:

- be informed about the information DWC collects about you;
- receive and review the information (Government Code Sections 552.021 and 552.023); and
- have DWC correct information that is incorrect (Government Code Section 559.004).

For more information, contact DWCLegalServices@tdi.texas.gov or go to the Corrections Procedure section at www.tdi.texas.gov/commissioner/legal/lccorprc.html.

DOWNS & STANFORD, P.C.

ATTORNEYS AND COUNSELORS
DALLAS | AUSTIN | HOUSTON

Wendy D. Schrock
Attorney at Law

2001 BRYAN STREET, SUITE 4000, DALLAS, TEXAS 75201
214 . 748.7900 T 214 . 748.4530 F
www.downsstanford.com

Board Certified / Workers' Compensation Law
Texas Board of Legal Specialization
wschrock@downsstanford.com

Re: Claimant: Jose Escobar Tavera (Deceased)
Employer: KIK Underground
D/Injury: 05/07/2024
Claim No.: 424-A-25843-01
DWC No.: 24247876
Our File No.: 52135

DWC-45 #19

The Carrier believes that Edgar Ivan Escobar Ruvalcaba became ineligible for death benefits on July 8, 2025. Defense counsel sent a DWC-24 to Mr. Morris to agree that Edgar Ivan Escobar Ruvalcaba was no longer eligible, but counsel has never returned or filed the DWC-24. Therefore, a Benefit Review Conference is needed.



INTERNATIONAL SOCIETY OF PRIMERUS LAW FIRMS



**Division of Workers'
Compensation**

PO Box 12050, Mail Code: HRG | Austin, TX 78711 | 800-252-7031 | tdi.texas.gov/wc

Injured employee: JOSE ESCOBAR TAVERA
DWC claim/docket #: 24247876-02-BR-DA
Date of injury: 05/07/2024
Employer: KIK Underground LLC
Insurance carrier: Bitco General Insurance Corp
Insurance carrier claim #: 424A2584301
Date: 12/3/2025

Bitco General Insurance Corp
9901 W Interstate 10 Ste 1050
San Antonio, TX 78230-2377
Box Nbr: 19

Your claim is set for a benefit review conference (BRC).

A BRC is a meeting between the parties to talk about your dispute. The date and time of the BRC and the issues being disputed are listed below. Your BRC will be held by videoconference.

You must attend the BRC on 12/18/2025, at 2:00 p.m., Central time. (The employer is not required to attend unless it filed the dispute.)

**How to attend your
BRC:**

Go online to: tdi-texas-gov.zoomgov.com

Click "Join Mediation"

Enter Zoom Meeting ID: 160 0922 2636

If you can't connect with the online app, call: 551-285-1373 and enter the Zoom Meeting ID: 160 0922 2636

Imported by FOL_LAW\MMAM on 12/3/2025 8:22:18 AM

Issues being disputed*

IDENTITY OF LEGAL BENEFICIARY

*Other issues may be discussed.

Who will attend?

The claimant, their attorney or ombudsman, the insurance carrier's representative, and the benefit review officer will attend the BRC. The employer is not required to attend unless it filed the dispute. The benefit review officer is an employee of the Texas Department of Insurance, Division of Workers' Compensation (DWC) who will listen to both sides and help resolve the issues.

What will happen?

After the parties have joined the virtual BRC, the benefit review officer will explain the parties' rights, the procedures, and help the parties:

- list the issues that need to be decided;
- discuss information and facts about the claim;
- get more information if needed; and
- work to reach an agreement.

How to get ready:

- Get your important information together.
- Organize the information in a way that makes sense and number each page.
- Send a copy to DWC and to the other parties **at least 14 days** before the BRC.

How to exchange your information with DWC and the other parties:

You are responsible for sending information securely. What you send to DWC must also be sent to the other parties.

BRC exchanges may be sent to DWC by:

- **Email:** BRC_Exchanges@tdi.texas.gov (Use an underscore between BRC and Exchanges.)
- **Fax:** 512-804-4011
 - Break your documents into separate sections of less than 40 pages each.
 - Fax each section separately with a cover page.
 - Each cover page should include:
 - the DWC claim number; and
 - the number of each section. For example, Section 1 of 3, Section 2 of 3, and so on.
- **Mail:** Texas Department of Insurance, Division of Workers' Compensation Hearings, Mail Code HRG
PO Box 12050
Austin, TX 78711-2050
- **Secure File Transfer Protocol (SFTP):** An SFTP account is a secure, electronic way to upload your documents.
 - If you want an SFTP account, contact DWC at eFiling-Help@tdi.texas.gov
 - To learn more, go to www.tdi.texas.gov/wc/carrier/efileoptions.html

What if you can't attend?

Ask for a new date and time for the BRC as soon as possible. You must give a good reason (showing "good cause") if you are not able to attend. If you miss the BRC, your case may be sent to a contested case hearing without mediation.

Need help?

- Go to www.tdi.texas.gov/wc/employee/dispute.html to learn more about dispute resolution.
- If you want an attorney and need help finding one, call the **State Bar of Texas** at 800-252-9690.
- If you do not have an attorney and want help from an ombudsman, go to www.oiec.texas.gov or call the **Office of Injured Employee Counsel** at 866-393-6432, ext. 44186.

Questions?

- Call 800-252-7031, Monday to Friday, 8 a.m. to 5 p.m., Central time.
- Go to www.tdi.texas.gov/wc to learn more about workers' compensation.

We sent a copy of this letter to:

MATTHEW B LEWIS
MLF LEGAL PLLC
702 S Beckley Ave
Dallas, TX 75203-2804

KIK Underground LLC
106 Hillside Dr
Lewisville, TX 75057-3161

LUCIA RUVALCABA
NEXT FRIEND, ROSALBA RUVALCABA JASSO
1016 N HIGH HILL PL
DALLAS, TX 75203-3761

LEONEL RUVALCABA
NEXT FRIEND, ROSALBA RUVALCABA JASSO
1016 N HIGH HILL PL
DALLAS, TX 75203-3761

EDGAR RUVALCABA
NEXT FRIEND, ROSALBA RUVALCABA JASSO
1016 N HIGH HILL PL
DALLAS, TX 75203-3761

ROSALBA RUVALCABA
1016 N HIGH HILL PL
DALLAS, TX 75203-3761

ANGEL RUVALCABA
NEXT FRIEND, ROSALBA RUVALCABA JASSO
1016 N. HILL PL. #101BH
DALLAS, TX 75203



BENEFIT DISPUTE AGREEMENT

1. Date of Proceeding (if applicable) 12/18/2025	2. Docket Number and Location (if applicable) 24247876-DA
3. Employee's/Beneficiary's Name Jose Escobar Tavera	4. <input type="checkbox"/> Employee/Beneficiary Assisted by Ombudsman <input checked="" type="checkbox"/> Employee/Beneficiary Represented by Daniel Morris, attorney
5. Employee's Social Security Number (last 4 digits) XXXX-XX- 7026	6. Date of Injury 05/07/2024
7. Employer's Name KIK Underground	8. <input type="checkbox"/> Employer Assisted by Ombudsman <input type="checkbox"/> Employer Represented by
9. Insurance Carrier's Name BITCO Insurance Company	10. Insurance Carrier Represented by Wendy D. Schrock, attorney

All agreements are subject to the pertinent provisions of the Texas Workers' Compensation Act, Texas Labor Code, Sections 408.005, 408.021, 410.024, and 410.030 and the provisions of Workers' Compensation Rules, Chapter 147. This agreement resolves only the issues in dispute as described below and is not a final resolution of all issues in this claim. The parties do not waive their right to subsequent Division proceedings.

11. THE PARTIES AGREE:

ISSUE CODE (Division Use Only)	DISPUTED ISSUE(S)	RESOLUTION(S)
	Has Edgar Ivan Escobar Ruvalcaba become ineligible for death benefits, and if so, on what date?	The parties agree that Edgar Ivan Escobar Ruvalcaba became ineligible for death benefits on July 8, 2025.

I have read or have had read to me by someone of my choice, understand and voluntarily agree to the terms of this agreement as stated above. Compliance Date _____. The agreement shall be fully complied with within five days of the approved agreement being received by the carrier, but, if the agreement includes a compliance date, that date will control.

Employee's/Beneficiary's Signature _____ Date _____

Employee/Beneficiary's Representative's Signature _____ Date _____

Employer Representative's Signature _____ Date _____

Carrier Representative's Signature _____ Date _____

Authorized DWC Employee's Signature _____ Date _____

Disability Determination Officer Field Office Manager Benefit Review Officer Administrative Law Judge



**Texas Department of Insurance
Division of Workers' Compensation
Dallas Field Office
Dallas, Texas**

**In the matter of Jose Escobar Tavera,
Decedent,** §

**Rosalba Ruvalcaba Jasso,
Beneficiary 1** §

and §

**Rosalba Ruvalcaba Jasso, Next Friend of §
Edgar Escobar Ruvalcaba,** §

Beneficiary 2, §

**Angel Escobar Ruvalcaba,
Beneficiary 3,** §

**Lucia Escobar Ruvalcaba,
Beneficiary 4, and** §

**Leonel Escobar Ruvalcaba,
Beneficiary 5** §

v. §

**BITCO General Insurance Corporation,
Insurance Carrier** §

TDI/DWC

Received

December 16, 2024

**Chief Clerk of
Proceedings**

For the reasons discussed, the administrative law judge determines that:

Rosalba Ruvalcaba Jasso, Edgar Escobar Ruvalcaba, Angel Escobar Ruvalcaba, Lucia Escobar Ruvalcaba, and Leonel Escobar Ruvalcaba are proper legal beneficiaries of Jose Escobar Tavera, deceased, entitling them to death benefits.

CONFIDENTIAL
Texas Labor Code
Section 402.083

Statement of the Case

A benefit review officer held a benefit review conference on September 26, 2024, to mediate the parties' dispute. Since the parties were not able to reach an agreement, Judge Lindsay A. Wallace held hearings on November 19, 2024, and December 9, 2024, to decide the following:

Are Rosalba Ruvalcaba Jasso, Edgar Escobar Ruvalcaba, Angel Escobar Ruvalcaba, Lucia Escobar Ruvalcaba, and Leonel Escobar Ruvalcaba proper legal beneficiaries of Jose Escobar Tavera, deceased, entitling them to death benefits?

The hearing on November 19, 2024, was continued because an interpreter was needed.

Plaintiff's Exhibit 1

Plaintiff's Exhibit 2

Plaintiff's Exhibit 3

Plaintiff's Exhibit 4

Plaintiff's Exhibit 5

Plaintiff's Exhibit 6

Plaintiff's Exhibit 7

Plaintiff's Exhibit 8

Plaintiff's Exhibit 9

Plaintiff's Exhibit 10

Plaintiff's Exhibit 11

Plaintiff's Exhibit 12

Plaintiff's Exhibit 13

Plaintiff's Exhibit 14

Plaintiff's Exhibit 15

Plaintiff's Exhibit 16

Plaintiff's Exhibit 17

Plaintiff's Exhibit 18

Plaintiff's Exhibit 19

Plaintiff's Exhibit 20

Plaintiff's Exhibit 21

Plaintiff's Exhibit 22

Plaintiff's Exhibit 23

Plaintiff's Exhibit 24

Plaintiff's Exhibit 25

Plaintiff's Exhibit 26

Plaintiff's Exhibit 27

Plaintiff's Exhibit 28

Plaintiff's Exhibit 29

Plaintiff's Exhibit 30

Plaintiff's Exhibit 31

Plaintiff's Exhibit 32

Plaintiff's Exhibit 33

Plaintiff's Exhibit 34

Plaintiff's Exhibit 35

Plaintiff's Exhibit 36

Plaintiff's Exhibit 37

Plaintiff's Exhibit 38

Plaintiff's Exhibit 39

Plaintiff's Exhibit 40

Plaintiff's Exhibit 41

Plaintiff's Exhibit 42

Plaintiff's Exhibit 43

Plaintiff's Exhibit 44

Plaintiff's Exhibit 45

Plaintiff's Exhibit 46

Plaintiff's Exhibit 47

Plaintiff's Exhibit 48

Plaintiff's Exhibit 49

Plaintiff's Exhibit 50

Plaintiff's Exhibit 51

Plaintiff's Exhibit 52

Plaintiff's Exhibit 53

Plaintiff's Exhibit 54

Plaintiff's Exhibit 55

Plaintiff's Exhibit 56

Plaintiff's Exhibit 57

Plaintiff's Exhibit 58

Plaintiff's Exhibit 59

Plaintiff's Exhibit 60

Plaintiff's Exhibit 61

Plaintiff's Exhibit 62

Plaintiff's Exhibit 63

Plaintiff's Exhibit 64

Plaintiff's Exhibit 65

Plaintiff's Exhibit 66

Plaintiff's Exhibit 67

Plaintiff's Exhibit 68

Plaintiff's Exhibit 69

Plaintiff's Exhibit 70

Plaintiff's Exhibit 71

Plaintiff's Exhibit 72

Plaintiff's Exhibit 73

Plaintiff's Exhibit 74

Plaintiff's Exhibit 75

Plaintiff's Exhibit 76

Plaintiff's Exhibit 77

Plaintiff's Exhibit 78

Plaintiff's Exhibit 79

Plaintiff's Exhibit 80

Plaintiff's Exhibit 81

Plaintiff's Exhibit 82

Plaintiff's Exhibit 83

Plaintiff's Exhibit 84

Plaintiff's Exhibit 85

Plaintiff's Exhibit 86

Plaintiff's Exhibit 87

Plaintiff's Exhibit 88

Plaintiff's Exhibit 89

Plaintiff's Exhibit 90

Evidence Presented

The following witnesses testified:

For the beneficiaries: Rosalba Ruvalcaba Jasso

For the insurance carrier: None

The judge admitted the following exhibits into evidence:

Judge's Exhibit: ALJ-1

Beneficiaries' Exhibits: C-1 through C-18

Insurance Carrier's Exhibits: CR-A through CR-C

The evidence did not establish that Mrs. Jasso abandoned the decedent. The evidence was persuasive that Rosalba Ruvalcaba Jasso is a proper legal beneficiary of the deceased.

The judge considered all the evidence admitted and based her findings of fact and conclusions of law on the evidence, even if the judge did not specifically discuss all the evidence.

Findings of Fact

1. The parties stipulated to the following facts:
 - A. The Dallas field office is the proper location for the hearing.
 - B. On May 7, 2024, the decedent Jose Escobar Tavera, was an employee of KIK Underground LLC.
 - C. On May 7, 2024, the employer provided workers' compensation insurance with BITCO General Insurance Corporation.
 - D. On May 7, 2024, the decedent sustained a compensable injury, resulting in his death on May 7, 2024.
 - E. Edgar Escobar Ruvalcaba, Angel Escobar Ruvalcaba, Lucia Escobar Ruvalcaba, and Leonel Escobar Ruvalcaba are the biological children of the decedent, were under the age of 18 years old at the time of the decedent's death on May 7, 2024, and are currently under 18 years old as of the date of this hearing.
2. The insurance carrier delivered to the beneficiary a document stating the true corporate name of the insurance carrier, the name of the insurance carrier's registered agent, and the registered agent's street address, which was admitted into evidence.
3. Rosalba Ruvalcaba Jasso was the decedent's spouse at the time of the decedent's death on May 7, 2024, and had not abandoned the decedent for longer than the year preceding the decedent's death.

CONFIDENTIAL
Texas Labor Code
Section 402.083

The claimant affirmed there were 44 pages of Beneficiary's Exhibits. The insurance carrier affirmed there were 14 pages of Insurance Carrier's Exhibits.

Discussion

The parties stipulated that on May 7, 2024, the decedent sustained a compensable injury, resulting in his death on May 7, 2024. The parties further stipulated that Edgar Escobar Ruvalcaba, Angel Escobar Ruvalcaba, Lucia Escobar Ruvalcaba, and Leonel Escobar Ruvalcaba are the biological children of the decedent, were under the age of 18 years old at the time of the decedent's death on May 7, 2024, and were under 18 years old as of the date of the hearing.

surviving spouse shall no longer be liable to have abandoned the employee if the surviving spouse and the employee had not been living in the same household for more than one year preceding the employee's death unless the spouse is:

- (1) hospitalized;
- (2) in a nursing home; or
- (3) living apart due to career choices, military duty, or other reasons where it is established their separation is not due to the pending breakup of the marriage. The burden is on a person who opposes the claim of a surviving spouse to prove the spouse abandoned the deceased employee.

Conclusions of Law

1. The Texas Department of Insurance, Division of Workers' Compensation has jurisdiction to hear this case.
2. Venue is proper in the Dallas field office.
3. Rosalba Ruvalcaba Jasso, Edgar Escobar Ruvalcaba, Angel Escobar Ruvalcaba, Lucia Escobar Ruvalcaba, and Leonel Escobar Ruvalcaba are proper legal beneficiaries of Jose Escobar Tavera, deceased, entitling them to death benefits.

Order

This decision supersedes the interlocutory order of September 27, 2024. The insurance carrier is ordered to pay benefits pursuant to this decision. The insurance carrier shall pay any accrued but unpaid income benefits in a lump sum with interest as provided by law.

The true corporate name of the insurance carrier is **BITCO GENERAL INSURANCE CORPORATION**, and the name and address of its registered agent for service of process is:

**MIKE SPARKS
222 LAS COLINAS BOULEVARD WEST, SUITE 650E
IRVING, TEXAS 75039-5423**

Signed on December 13, 2024.



Lindsay A. Wallace
Administrative Law Judge

WENDY SCHROCK
DOWNS & STANFORD PC
2001 BRYAN ST STE 4000
DALLAS TEXAS 75201-3041

BITCO GENERAL INSURANCE CORP
9901 W INTERSTATE 10 STE 1050
SAN ANTONIO TEXAS 78230-2377
FLAHIVE OGDEN & LATSON, REP BOX 19

KIK UNDERGROUND LLC
106 HILLSIDE DR
LEWISVILLE TEXAS 75057-3161

¿Tiene preguntas?

Llame al 1-800-252-7031, de lunes a viernes, de 8 a.m. a 5 p.m., hora del centro.

Visite www.tdi.texas.gov/wc para obtener más información sobre la compensación para trabajadores.

Hemos enviado una copia de esta carta a:

EDGAR ESCOBAR RUVALCABA
NEXT FRIEND OF ROSALBA RUVALCABA JASSO
1016 N HIGH HILL PLACE #101BH
DALLAS TEXAS 75203-3761

DALLAS TEXAS 75203-3761

LUCIA ESCOBAR RUVALCABA
NEXT FRIEND OF ROSALBA RUVALCABA JASSO
1016 N HIGH HILL PLACE #101BH
DALLAS TEXAS 75203-3761

DANIEL L MORRIS
MLF LEGAL PLLC
702 S BECKLEY AVE
DALLAS TEXAS 75203-2804