



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 12, 1996

Ms. Susan M. Cory
General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH-35
Austin, Texas 78704-7491

OR96-1125

Dear Ms. Cory:

You ask this office to reconsider our construction of section 402.092 of the Texas Labor Code in Open Records Letter Nos. 96-0481 (1996) and 96-0529 (1996). This request for reconsideration has been assigned ID# 40253.

In both Open Records Letter Nos. 96-0481 (1996) and 96-0529 (1996), this office concluded that section 402.092 of the Texas Labor Code does not apply to the internal investigation files of the actions of employees of the Texas Workers' Compensation Commission (the "commission") but, rather, applies only to investigation files concerning compliance with the commission's laws.

The commission has made similar requests for reconsideration in the past. *See* Open Records Letter Nos. 96-0805 (1996) and 96-0380 (1996). In response to those requests for reconsideration, we affirmed our prior rulings to the extent that those rulings found section 402.092 inapplicable to the requested information. In conformity with these prior rulings, we now affirm the holdings in Open Records Letter Nos. 96-0481 (1996) and 96-0529 (1996). We urge you to release the information in accordance with those rulings immediately and caution you that your failure to do so may be deemed a civil or criminal violation of chapter 552. *See* Gov't Code §§ 552.321 and 552.353.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Todd Reese". The signature is fluid and cursive, with a long horizontal stroke at the end.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref: ID## 40523, 38126, 36268

cc: Mr. Ryan Serber
Reporter
KTBC-TV, FOX 7 NEWS
119 East 10th Street
Austin, Texas 78701

Mr. Helmut W. Paschold, P.E., CSP
Paschold & Associates Safety Consultants, Inc.
220 Thunderbird, Suite #1
El Paso, Texas 79912