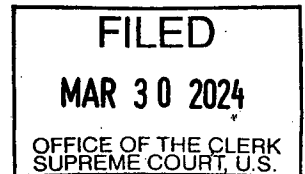


No. 23 - 7138



IN THE
SUPREME COURT OF THE UNITED STATES

Eugenia Woodard — PETITIONER
(Your Name)

TEXAS DEPT. OF INS., DIVISION OF WORKERS COMPENSATION
TEXAS MUTUAL INSURANCE vs.
CAPPS Electric Company — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

First Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Eugenia Woodard
(Your Name)

7402 Alabonson Rd #310

(Address)

HOUSTON, Texas 77088

(City, State, Zip Code)

(346) 610-2559

(Phone Number)

Questions Presented

- 1. How does U.S. Supreme Court address final decision/order of lower courts when dates are in questioned?**
- 2. How does the court apply WHD issued Administrates interpretation No.2015-1 under {FSLA} economic reality test?**
- 3.How does the U.S. Supreme Courts address whether a petitioner established a waiver of division sovereign immunity?**
- 4.How does the U.S. Supreme Court correct over-sighted errors and dates of untimely filed if a claim is out of it's jurisdiction?**
- 5.Can a benefit Review Conference(BRC) or Contested Case Hearing(CCH) be scheduled and conference given after ALJ Final Decision/Order, how are proper dates established?**

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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I declare under penalty of perjury that the foregoing is true and correct.
Executed on March 29, 2024

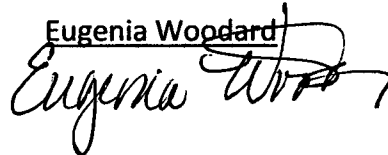
Eugenia Woodard


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TABLE OF AUTHORITIES

Texas Register

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Case Text

Texas Statues.gov.

Tex. Lab. Code

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Texas Statue Labor Code Title 5 Workers Compensation Act
Chapter 415 Administrative Violations
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Secretary of State, Texas Administrative Code
Title 1 Part 15 Chapter 357, Subchapter A
Rule 357.23 Hearings Officer Decision and Actions

25 Tex. Admin Code 441.101 (abuse)

Tex. Family Code ANN 261.001

Tex. Hum. Res. Code ANN 48.002

Tex. Mut. Ins. Co. v. Ruttiger Tex. Lab. Code 401-19

28 Tex. Admin. Code 141.1 (b)

Tex. Ins. Code 1467.101 Bad Faith

Tex. Tort Claims Act

Civ. Prac. & Rem. Code 101.023

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Limited Waiver of Immunity

Admit.14. S1 5 Procedural Due Process

Tex. Civ. Practice and Remedies Codes (Standard for Recovery)

Section 41.003 Standards for Recovery Exemplary Damages

Civ. Prac. & Rem. Code Title 2, Chpt.41 Damages

Section 41.002 Applicability

Rule 47 Tex. R. Civ. P.47 Right to relief

Texas Governmental Act Chapter 554.0035

Texas Civ. Pra. Rem. Code Title 5 Section 101-021

Texas Public Law

Lab. Code. Section 410.253

Harris County Flood District v. Halstead No.14-20-00457 cv 2022 WL678277(Tex. App.-Hou.[14 Dist.] Mar.8,2022)

Harris County v Shook,634 S.W.3d 942(Tex.App.2021) (May 27,2022)

Okla. Stat. tit. 23&3 Section 3 Right to damages

Wage Hour Division Administrative Interpretation (FSLA) Economic Reality Test

Torres v. Parkhouse Tire Service Inc. 26 Cal. 4th 995,1003 (2003)

Administrative Procedure Act (APC) 5 U.S.C.S. 702 General waiver of immunity

Tex. Lab. Code 410.025 Hearing scheduled accordance section 410.025(b) Tex. Lab. Code 410.031

Tex. Lab. Code 410.165 Evidence,
Failure to Administer Procedures section 410.163

Effects of Decision Section 410.205

Lab. Code Section 410.253 Judicial Review Exhaustion Remedies section 410.251

Tex. Labor Code 410.25 section 401.012 Definition of employee

Division of Workers Compensation Commission
(State workers Compensation Board, U.S. Dept. of Labor)

28 Tex. Admin. Code 180.19
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Breach of Contract

Texas Public Law
Lab. Code
Section 410.253

Notice Under provisions of Texas Labor Code
410.169, 410.204(c)

(S.O.A.H) State office of Administrative Hearing

(W.C.B.N.Y.) Workers Compensation Board New York

Opinions

Memorandum/Opinion

Judge Farris

Opinion site__ SW 3d__8-29-23

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was August 29, 2023
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: October 3, 2023, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions

The Workers Compensation Division

Under Tex. Lab. Code 410.025 sets the precedent of this suit. This suit arises out of worker's compensation claim in handling claim has violated this code as it should be enforced.

Texas Mutual Insurance (Carrier) for this claim has denied alleging plaintiff was not an employee at the time injuries were sustained.

Definition of Employee

The employment section 410.012 (a) subtitle "employee" means each person in the service of another under a contract of hire whether express or implied, or oral or written under this sub-title it establishes plaintiff employment status
Current Legislature 2023 by Governor Nov.1,2023

Breach of Contract

Violate contract terms of employment agreement whether the contract is written or verbal

The ALJ ruling plaintiff sustained injuries but, not compensable in its final order should be overturned. Plaintiff is an employee at the time injuries were sustained (see) appendix E
Decision/Order A.L.J. final ruling dated Nov.1,2022 stifled plaintiffs claim.

The W.C. Div., if in its claim process would have applied Administrative Law Under the Tex. Lab. Code, District Court
would not be necessary in completing claim under Tex. Lab. Code 410.025 section 401.012

employee definition.

Workers Compensation Division

Under this law plaintiff can file in District Court that is after all administrative remedies are exhausted, they were not exhausted in claim. Benefit Review Conference (BRC) was held and scheduled on Feb.18,2022 after ALJ final ruling November 1,2022, establishing the that administrative remedies were not exhausted when the final decision order was issued.

Defendants continuance of administrative remedies in this suit were not exhausted violates Tex. Lab. Code 410.251

After Workers Compensation Division final ruling exhausted remedies continued in its administrative remedies process scheduling BRC and conference hearing.

Workers Compensation Division having full knowledge of administrative policy and procedures violated this act having no regard for the act and did not apply requirements needed and

Texas Administrative Code (TAC) is a compilation of all state agency rules in Texas.

Its main purpose of administrative two consists of ensuring accountability for administrative agencies

40 Tex. Admin. Code 821.44

Under (T.A.C.) an employer acts in "bad faith " in not paying wages required by the ACT when employer acts:

- (1) Knowledge that the failure to pay wages is in violate of the act or chapter
- (2) In reckless disregard for the requirements of the act or this chapter

This ruling should be overturned as it violates Tex. Lab. Code 410.025

Time- file Deadline

ALJ Order signed September 1,2021

THE NOTICE FINAL DECISION

NOTICE: Signed ALJ September 1,2021 DATED: November 1,2022 violates 45-Day deadline to respond allowing only two-weeks not 45-Days. Plaintiff filed appeal.

On February 18,2022 another (CCH) conference allowed

The Notice Under the Provisions of 410.169, 410.201 (c) Texas Labor Code

Under Tex. Lab. Code 41.025

The

The Correct filing DATE: January 14,2022

(5) the date of the contested case hearing scheduled in accordance with Section 410.025 (b) Tex. Lab. Code 410.031

W.C. final order signed on September 1,2021 became final on November 1,2021,

Defendant's continuance of conferences administrative duties was not exhausted violates Tex. Lab. Code 410.251(b) this ruling should be overturned as it violates this code.

Lab. Code Section 410.253- Judicial Review Exhaustion of Remedies

A party seeking judicial review may not seek judicial review Under Section 410.251

Exhaustion of remedies – a party that has exhausted its administrative remedies under this subtitle and that is aggrieved by a final decision of the appeals panel may seek judicial review under this sub-chapter.

Torres v Parkhouse Tire Service Inc. Cal. 4th 995, 1003(2001)

The Division did not exhaust remedies under lab code section 410.253)(CCH)(scheduling February 18,2022 held conference. In continuance ALJ decision November 1,2021 45 days,

44444correct date would have been January 14,2022.The WC Div. held conference Feb.18,2022 should be considered timely filed in District Court.

alleging plaintiff did not timely file in D.C.

The Office of Injured Employee Counsel (O.I.E.C)

_____The OIEC is a sub-part of W.C. Division. It offers advocacy on claimant behalf, assisting claimant with the entire process includes offering advice on appeals, claim status, hearings and when to file in District Court. W.C. Ombudsman gives voice to claimants claim during hearings request pertinent information regarding claim. However, ombudsman did not testify on claimant's behalf as were silenced by ALJ then, denied.

Ombudsman appeared intimidated became very silent then, asked claimant if she wanted to do closing arguments. Shortly, after hearing Ombudsman became very volatile yelling in the lobby making accusations of not having professional representative of license attorney.

Claimant reported incident (see appendix)
The ALJ denied claimants right to allow Ombudsman to present evidence at hearing,

Texas Administrative Code, Title 1 Part 15 Chapter 357
Sub-Chapter-A Hearing Officer Decisions and Actions

Title 1- Administration
Chapter -357 Hearings

(b) Decisions by Hearing Officer the hearing officer issues a decision based exclusively on testimony and evidence introduced at the hearing

The ALJ decision was flawed denying appellants ombudsman introduced evidence medical in W.C., Conference, Therefore, Hearings officer did not base its final decision upon (TAC) this action by ALJ

violation Tex. Admin. Code. ALJ cross examined plaintiff as if represented defendant in Court of Law

Evidence/Tex. Lab Code Section 410.165

- (a) an administrative Judge may accept written statement signed by witness and

shall accept all written reports signed by health care providers. The ALJ refused

to accept medical evidence provided from ombudsman during claimants hearing.
- (b) Failure to Administer procedures under Lab Code 410.165 section 410.163

An ALJ (4) accept documents and other tangible evidence and

- (c) An ALJ shall ensure the preservation of the rights of the parties and the full development of facts required for the determinations to be made

25. Tex. Admin. Code 441.101

- (1) Abuse an intentional, knowing, or reckless act or omission by provider personnel, a counselor, applicant for counselor licensure, or counselor intern that causes or may cause death, emotional harm or physical injury to participant or client

(2)(Abuse includes without limitation the following:

- (1) Efforts to cause fear
- (2) The use of any form of communication to threaten, curse, shame, or degrade a participant or client.

Administrative Law Judge behavior violates Tex.Admin.Code 441.101

Ombudsman behavior violates Texas Admin. Code 441.101

(5) Administrative Law Judge

an individual appointed by Chief Administrative Law Judge of (SOAH) UnderTex. Gov't Code Ann to preside over contested case hearing proceeding

Administrative Procedure Act

(129) Unethical Conduct

Conduct prohibited by the ethical standards adopted by state or national professional organizations or by rules established by a professional state licensing agency

Including the failure to exhaust remedies "preclude certain insurance code and common law bad faith claims against the compensation carrier Tex. Mut. Ins. v. Rittiger

Bad Faith

Texas Mutual Insurance Co. has the conduct that constitutes bad faith Tex. Ins. Code 1467.101

- 1 . Failing to participate in the informal settlement tele conference under section 1467.08 (d) or arbitration or mediation believes is necessary to facilitate a decision or agreement; or
- 2 . Failing to designate a representative participating in the arbitration or mediation with full authority to enter into any agreement

Workers Compensation Division filed this claim out of its jurisdiction

Worker Compensation Board New York held several hearings

Tex Mutual Insurance failure appear or designate a representative for hearings. Several Judges requested appearance no show (see appendix WCBNY Judges)

The Attorney General Office, representing attorney refused invitation from (DRC) Dispute

Resolution Center Harris, County recommended Court 157th

This suit is immersed in bad faith of defendant's disregard law, defendants responded verbally they were not interested in attending mediation would file answer fail to do so.

Immunity Privileges

It is clear defendants enjoys Immunity Privileges however, the Tort Claims Act imposes

different Standards of Care upon a governmental unit for negligence claims.

When liability is predicated not upon the actions of the governmental unit employee but reference to the duty of care owed by the governmental unit to the claimant for premise liability.

Under the Texas Tort Claims Act waives immunity in the following circumstances a governmental unit in the state is liable for property damage personal injuries or negligence of an employee acting within scope employment

Capps Electric Company has a duty of care to appellant to use reasonable care to avoid causing injury to appellant .It is a legal obligation imposed on individual requiring adherence to a standard of reasonable care to avoid causing injury failed to do so.

Standard of Care is essential concept in determining whether a person was negligent.

Defendants breached the standard of care is liable for appellant's injuries

Defendants negligent operation of cart caused appellant's permanent injuries that could have been avoided if a reasonable person would do or not do.

According to Texas Law the governmental unit were it a private person be liable to the claimant Civ. Prac. Rem. Code 101.021

Waiver Immunity

Procedural Hearing Chapter 2002, Governmental Code Chapter 202 Chapter 551 explicitly waives sovereign and governmental immunity when a person alleges a violation of section 2400.002 may sue the governmental entity for relief provided under Section 2400.003

Texas Constitution and Statutes

(APC) Administrative Procedural Act 5 U.S.C.S. 702, provides a general waiver of sovereign immunity

where an individual seeks review of "agency action" "waiver of sovereign immunity is not limited to the technical definition of "agency action" instead extends to all office misconduct by agency

(Administrative Procedural Act)

Texas Governmental Act Chpt.554.003 recognized by Texas Legislature expressed waived sovereign immunity

Damages

___ Any person that who suffers detriment from unlawful acts or omission of another may

recover from the person in fault a compensation therefore in money called damages

Okla.Stat.tit.23&3

Standards for Recovery Tex Civ Prac Rem Code 41.003(a) section 41.003

Standard for Exemplary Damages

- (a) Except as provided by subsection (c) exemplary damages may be awarded only if the plaintiff proves with clear and convincing evidence that their injury resulted from gross negligence

(3) gross -negligence

Texas Tort Claims Act further provides for caps recoverable on damages.

Tex. Civ. Pra. Rem Code 101.023

___ Appellant is entitled to relief under(TTCA)appellant suffered catastrophic injuries fractured rib, hip injury, contusion head and fractured spine. Defendants failed to exercise reasonable care.

Texas Department Ins., Division of Workers Compensation in its complexities to navigate, it is a very complex system to navigate, It's claims process has an Iron-clad structure as it is oppressive in nature, as in comparison to that as a maze.

Division W.C is an egregious in nature, its dogma of systematic beliefs has disintegrated plaintiffs claim. W.C. Division has deviated from it's entire administrative rules under TWC has taken on the form of abuse by asphyxiation of claims process and decentralized in its

administrative process, causing deprivation to the claimant as claim travels through the legality of exhaustion remedies (see exhaustion remedies) is the iron curtain there claim becomes trapped, stagnant, ultimately impossible claim completion.

DWC - State Agency regulates worker's compensation benefits complaints are housed within it's procedural walls, investigates complaints, ensure delivery of worker's compensation to employees, resolve disputes. This is until claim reaches the iron curtain of law, exhaustion remedies, where claims are shifted through an impossible process of stair steps of the legal system. This is the final process of claim, it will either become processed or null

The legalities of the law, it's constitutions are the fundamentals that gives the foundation it's structure for administrative law process and rules for functionality of it's agency. It is therefore, imperative that an agency review necessary for statutes, rules. U.S. Supreme Court may uphold its entirety of law and U.S. Constitution.

Statement of Case

Petitioner was injured by negligent operation of cleaning cart by fellow employee while at work causing severe injuries, fractured right rib and injury to left hip. Capps Electric Company denies

employment w. c. The Carrier, Texas Mutual Insurance denies w. c. benefits

This suit arises out of W.C claim it was filed out of its jurisdiction, while the claim was actively out of its proper jurisdiction, continued almost two years, how is statute of limitations deadline determined?

Judge Flanagan the 6th Judge who then ordered it into its proper jurisdiction T.D.I./W.C. division began its continuance.

Hearing was given an ombudsman was given to petitioner as advocate of the claim.

During the hearing the ombudsman was silenced did not represent petitioner during hearing process, petitioner was asked by ombudsman if she wanted to give closing argument.

A.L.J. asked both parties questions concerning status with Capp Electric Company, then

explained to both parties a decision would be reached and sent by mail.

After the decision reached petitioner, ALJ decision favor of the defendant.

The reasons were defendant were more persuasive not based its decision upon established law, Therefore, error was committed in establishing proper decision W.C. did not follow nor

apply established rules such as WHD Administrative Interpretation (FSLA) Economic Reality Test. Decision that interprets whether an employee is an employee or contractor. Under this

test it established employee classification status, petitioner is an employee this is standard. Defendants deny petitioner as employee continued into D.C. summary judgment granted for

defendants. Petitioner filed appeal. The Court of Appeals affirmed D.C. decision.

The timeline for filing dates are questionable in this suit. This claim was filed out of it's

Jurisdiction.

In Judge Ferris opinion she questioned the validity of District Court decision and that the proper dates need to established.

In The First Court of Appeals, Judge Ferris Opinion, whether petitioner establish waiver

immunity with division. However, in another opinion, It stated division enjoys the privilege of immunity therefore, this suit need not based on the merits of the case but upon the sovereign

immunity privilege upheld lower court decision. Appeal Court granted affirmed privilege immunity failed to address whether Tort Claim Under (FTCA) *waives immunity*

Petition clear and ambiguous language was established. Appeals Court affirmed decision.

TDI/Div. W.C. A.L.J. final decision has conflicting dates, miss classifying petitioner employment status by not applying established laws (FSLA) Standard for determining employment status.

Reasons for granting *Certiorari*

This suit arises out of workers compensation

division. There are some compelling reasons why this suit issues needs addressed. The Workers Compensation

Division process is very hard in it's complexities to navigate for claimant. The Office of Injured Employee Council acts as a liaison for claimants during this

process and advocates on claimants behalf the (O.I.E.C.) handles all issues within the claim and surrounding issues that may arise such as hearings, scheduled BRC dates, medical and appeals, advise claimant of rights within workers compensation laws. Ombudsman is responsible for providing clear and concise information about the District Court process. This is to ensure claimants

receive a fair procedure hearing without violating claimants right.

Petitioner suit is a workers comp claim that has issues that are not

being addressed procedurally according to the law. Petitioner was hired by a company that denies employment, Caps Electric identified employee as an independent contractor, under the law petitioner status is employee. Petitioner was injured while working for Caps Electric Company, employee at

work negligently at operation of a cleaning car cause petitioner catastrophic injuries. The carrier for Capps Electric denies petitioners claim, alleging petitioner was not an employee at the time of sustained injuries. A.L.J. final decision and order. Petitioner injuries were a fractured right rib, fracture spine and a hip

injury. The workers compensation division first filing of claim was out of his jurisdiction and it continued to be out of his jurisdiction for up to 18 months.

How does time to file deadline is determined? Judge ordered claim back into its proper jurisdiction. Hearings were conducted after final decision and order.

Respondents denying petitioners claim ombudsman represented petitioner during the entire process. A.L.J. decision in the claim was flawed, it base it's

decision upon the credibility of the respondent and not upon the law. Petitioner employment status does not fit an independent contractor worker. The U.S. Department of Labor independent contractor status under the Fair Labor Standards Act FLSA executive summary, the act does not define the term

independent contractor but, it defines employee as any person acting directly or indirectly in the interest of an employee in relation to an employee. U.S.C.203D employee as any individual employed by an employer ID. At 203 E Under the FSLA. Petitioner under this law is an employee .The

economics reality test title 29 of the Code of Federal Regulations sets forth its interpretation of whether worker are employees or independent

contractors under the account 86 Fr 1246-1248. The Economic Reality Test, the U.S. Supreme Court considered employee or independent contractor status under three different federal statutes the National Labor Relations Act in NLRA the Social Security Act SSA the New Deal era FLSA and apply all three of economic reality tests under all three laws. Supreme Court issued its decision in Silk v. Rutherford Food Corporation v. McComb, 331

U.S. 722 947 were best characterized as part of the integral unit of production under such circumstances that the workers performing the task were employees of that establishment NLR a definition of employee to clarify that the term shall not include any individual who, under the unusual

common law rules applicable in determining the employee employer relationship, has the status of an independent contractor. The Supreme Court interpreted the amendment to the NLRA as having the same effect as the explicit definition included in the SSA, which was to ensure that the employment status would be determined by common law agency principles, rather than economics reality test see Goldberg v. Whitaker suffer and

permit CFR 788 provides interpretation guidance addressing the distinction between the employees and independent contractors siding

to Silk Rutherford and Bartels, the regulation advised that an employee as distinguished from a person who is engaged in the business of his own is one who follows the usual path of an employee an independent and it's dependent on the business which he serves suffer and permit definition of

employment by reference question is the economic reality of the relationship, whether there's economic dependence upon the employee

WHD issued Administrators Interpretation –12015-1-application of the Fair Standards Labor Act suffer permit standard in the identification of

employees who are misclassified as independent contractors AI- 2015-1 inquiry is whether the worker is economically dependent upon the

employee or truly in business for themselves. The petitioner according to this regulatory guidance is classified as an employee. The A.L.J. decision is

flawed as it misclassified petitioner as an independent contractor, Texas Mutual Insurance ,denied petitioners workers comp claim for Capps Electric Company denied petitioner as an employee. The Supreme Court upholds our laws and the previous court rulings should be overturned that

within its walls of the Supreme Powers that be according to his administrative laws and rules for governing agencies office of the injured

employee council OIEC Texas Department of insurance division of workers compensation om I EC the sub of TDI / Div. W. C. Is an agency within

workers compensation that provides assistance to claimants to help ensure claimant receives a fair hearing as this department advocates on behalf of

the claimant. This department navigates the entire process for injured workers and gives advice, petitioners ombudsman could not navigate the

process wasn't allowed to speak on behalf of the petitioners claim, petitioner was advised by OIEC could not win the claim and advise to seek

help from professional attorney. OIEC gave unclear information such as to how appeals workers comp court when do claimants file and

District Court? OIEC advised petitioner that administrative remedies must be exhausted. However, OIEC and workers comp continue in its administrative process after final decision

and order repeating entire process claim, schedule and give BRC and CCH contested hearing case and a benefit review hearings. Timelines and dates in the Opinion of Judge Ferris

(see opinion dates are in question) workers comp dated December 21st 2020 benefit review conference status BRC schedule Anderson TX on February

18th 2021 ALJ Eric Roberson CCH contested case hearing pursuant to the Texas Labor Code annotated 410.031 notice to parties ALJ's final decision is

November 1 2021 decision and order signed on September 1 2021 this notice under 410.024 Texas Labor Code appeal number 21158 dated

November 1, 2021 is conflicting dates. In Justice Farris Opinion the dates are questionable. In the summary judgment the trial court granted

judgment for defendants alleging petitioner did not timely file for judicial review, trial court erred. And Judge Farris Opinion, the issue is wheter the plaintiff time file we must establish the accurate date of the cause of action

and that the plaintiff brought suit. The petitioner was notified of BRC benefit review conference

hearing December 21st, 2020, notice of contested case hearing CCH scheduled February 18th, 2021 ALJ Eric Roberson HW 43. Plaintiff attended this hearing VI zoom, it is established that the appeal notice decision order and final date signed September 1st, 2021 is null and should

be omitted because the notice was sent February 18th, 2021 to attend a live conference stamp dated December 21, 2020 administrative remedies were not exhausted. February 18 2021 administrative remedies were not exhausted therefore, the courts erred in oversight of untimely filing of administrative judicial review filed in District Court, March 15, 2023 the BRC report date February 18, 2021. The workers comp division cannot give notice of decision and final order and schedule another CCH hearing after it has issued a final decision in order contradicting signed order by the ALJ under the Texas

Labor Code 410.031 and the Texas Labor Code 404.105 the dates are conflicting and unclear as to which is the final date. Petitioner is aggrieved by

the court's decision it should be overturned. Respondents enjoys sovereign immunity it has its limits under the Federal

Tort Claims Act, has eliminated immunity for negligence or wrongful acts or omissions and some intentional torts committed by government

employees. The lower court affirmed its decision as it was based upon sovereign immunity so it needed not consider the merits of the case.

However, the petitioner has rights under the federal torts claims act strict liability the respondent engaged in abnormally dangerous activity and had control over the operation of the cart, that dangerous activity of negligent operation of the cart cause petitioners severe injuries, pushing petitioner

into a wall because cause injuries contusion on left side of forehead, left hip injury, and fractured right rib and spine injury.

Governmental entities while enjoying the privilege of immunity waiver of immunity , clear and ambiguous language, courts opinion and decision different alleges petitioner did not state such language or cite sovereign immunity petition established a waiver of the division sovereign immunity.

And Justice Farris Opinion another defect in this suit should be addressed by the US Supreme Court. Justice Farris Opinion “we must address whether woodard established a waiver of the division”sovereign immunity, timely filed on liability of governmental unit section 101.021 States government unit is in the state can be held liable for personal injuries negligence in Justice Farris Opinion states also suit not based on the merits gives lead way to respondents immunity privileges. Petitioner files D.C. Court 1st court appeals toward liability of the government mental units

section 101.021 chapter 2400 explicitly waive sovereign and governmental immunity when a person alleges A violation section 2400.002 may sue the governmental entity for relief provided under section 2400.003 Texas statute and Texas Constitution.

The laws of administration are an integral part of the legal system that governs the procedural process.

The US Supreme Court establish and enforce laws, it is superior power that gives authority to its laws.

Adherence of its laws are established through administration process through agencies such as Division of Workers Compensation, that is vital to humanity.

Without US Supreme Court enforcement of agency review and compliance of established laws constitution citizens will lose their rights liberty and equality.

It is therefore determined that U.S. Supreme Court over turn all previous rulings for the preservation of humanity and uphold its established laws, rules and statues entirely.

These are the reasons why certiorari should be granted petitioner request Supreme Court to address issues of the procedural laws governmental laws labor laws and U.S. District

Courts and Appeals decision that the U.S. Supreme Court uphold superior powers of the law and its entirety.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Eugenia Wray

Date: March 15, 2024