

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Esdras Nehemias Pineda Orellana v. National Specialty Insurance Company

No. 01-24-00383-CV · No. No. 01-24-00383-CV · Decided April 9, 2026

SUMMARY

The First District Court of Appeals of Texas reversed the trial court’s grant of National Specialty Insurance Company’s plea to the jurisdiction in a workers’ compensation dispute. The court held that the pleadings did not affirmatively establish exhaustion of administrative remedies or aggrievement by a final Appeals Panel decision, but the defects were curable because the record showed those requirements had been satisfied. The case was remanded to allow Pineda an opportunity to amend his pleadings.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	David Gunn; Justice Rivas-Molloy; Justice Gunn; Justice Caughey
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	April 9, 2026
DOCKET	No. 01-24-00383-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Pineda appealed the trial court's order granting National Specialty's plea to the jurisdiction in a workers' compensation judicial-review action.
STANDARD OF REVIEW	The court reviewed the trial court's ruling on the plea to the jurisdiction de novo. When the plea challenges the pleadings, the court determines whether the plaintiff alleged facts affirmatively demonstrating subject-matter jurisdiction, liberally construing the pleadings in the plaintiff's favor.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Esdras Nehemias Pineda Orellana v. National Specialty Insurance Company

TOPICS

subject matter jurisdiction

appellate procedure

civil procedure

standard of review

insurance

PRACTICE AREAS

Texas workers' compensation

administrative law

civil procedure

appellate procedure

insurance

QUESTIONS PRESENTED

1. Whether Pineda's pleadings affirmatively demonstrated that he exhausted his administrative remedies and was aggrieved by final Appeals Panel decisions as required for judicial review under the Texas Workers' Compensation Act.
2. Whether the jurisdictional defects in Pineda's pleadings were curable and therefore required the trial court to allow an opportunity to amend rather than dismissing the action.
3. Whether the Court of Appeals had jurisdiction over Pineda's late notice of appeal.

HOLDINGS

1. The Court of Appeals had jurisdiction because Pineda provided a reasonable explanation for filing his notice of appeal late within the applicable fifteen-day extension window.
2. A claimant seeking judicial review must exhaust administrative remedies and be aggrieved by a final Appeals Panel decision; the pleadings must specifically set forth the Appeals Panel determinations by which the claimant is aggrieved.
3. Because Pineda's pleadings did not affirmatively negate subject-matter jurisdiction and the alleged defects could be cured by additional factual allegations, the trial court was required to afford him an opportunity to amend.

KEY QUOTATIONS

"We conclude that the jurisdictional defects in Pineda's petition are curable, and therefore he should be afforded an opportunity to amend his pleadings." (12-13)

"We grant a jurisdictional plea challenging the pleadings only if the pleadings 'affirmatively negate' jurisdiction." (6)

FACTUAL BACKGROUND

Pineda alleged that he sustained a foot and lower-back injury on December 13, 2021, and a separate lower-back injury on December 22, 2021, while working for his construction company. His workers' compensation carrier paid benefits for the December 13 injury for several months but stopped paying them in July 2022, and it paid no benefits for the December 22 injury. After administrative proceedings, including adverse ALJ decisions and Appeals Panel review, Pineda filed a small-claims-style petition that described the injuries but did not plead the relevant administrative decisions or dispute-resolution history.

PROCEDURAL HISTORY

Pineda filed workers' compensation claims for injuries allegedly sustained on December 13 and December 22, 2021. Administrative law judges decided both claims adversely to him in May 2023, and the Appeals Panel allowed both decisions to become final in July 2023. Pineda filed suit in the 333rd District Court of Harris County on August 15, 2023. After National Specialty filed a plea to the jurisdiction, Pineda obtained counsel and filed an amended petition, but the amendment did not cure the alleged jurisdictional defects. The trial court granted the plea, and the Court of Appeals reversed and remanded for an opportunity to amend.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the trial court's order granting National Specialty's plea to the jurisdiction and remand to allow Pineda an opportunity to amend his pleadings.

CASES CITED

- *Herrera v. Mata*, 702 S.W.3d 538, 541 (Tex. 2024) (per curiam)
- *Bland Indep. Sch. Dist. v. Blue*, 34 S.W.3d 547, 553-54 (Tex. 2000)
- *Tex. Ass'n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440, 443-44 (Tex. 1993)
- *Alamo Heights Independent School District v. Catherine Clark*, *Alamo Heights Indep. Sch. Dist. v. Clark*, 544 S.W.3d 755, 770 (Tex. 2018)
- *Harris Cnty. v. Annab*, 547 S.W.3d 609, 612 (Tex. 2018)
- *Tex. Mut. Ins. Co. v. PHI Air Med., LLC*, 610 S.W.3d 839, 843 (Tex. 2020)
- *Univ. of Tex. Rio Grande Valley v. Oteka*, 715 S.W.3d 734, 740-41 (Tex. 2025)
- *Tex. Mut. Ins. Co. v. Ruttiger*, 381 S.W.3d 430, 437 (Tex. 2012) (op. on reh'g)
- *TIG Premier Ins. Co. v. Pemberton*, 127 S.W.3d 270, 276 (Tex. App.—Waco 2003, pet. denied)
- *Subaru of Am., Inc. v. David McDavid Nissan, Inc.*, 84 S.W.3d 212, 221 (Tex. 2002) (op. on reh'g)
- *Lopez v. Zenith Ins. Co.*, 229 S.W.3d 775, 779 (Tex. App.—Eastland 2007, pet. denied)
- *Houston Community College System v. Schneider*, 67 S.W.3d 241, 243 (Tex. App.—Houston [1st Dist.] 2000, pet. denied)
- *Verburgt v. Dorner*, 959 S.W.2d 615, 617 (Tex. 1997)
- *Jones v. City of Houston*, 976 S.W.2d 676, 677 (Tex. 1998)
- *In re S.V.*, 697 S.W.3d 659, 661 (Tex. 2024) (per curiam)
- *Tex. A&M Univ. Sys. v. Koseoglu*, 233 S.W.3d 835, 839-40 (Tex. 2007)

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