

## APPEAL NO. 92187A

On June 29, 1992, a decision was rendered in the above styled case (Texas Workers' Compensation Appeal No. 92187) which indicated that no reply to the request for review was filed. On July 21, 1992, the respondent's counsel filed a motion for reconsideration and provided a return receipt showing that his reply had been receipted for on May 28, 1992 by (Mr. F), mail and messenger service. Although this would have been a timely filing, this document was never received by the Appeals Panel and there is no record to establish that it was received by the mail room in the Texas Workers' Compensation Commission central office, (city), Texas. The mail room records apparently did not track individual items of certified mail. A copy of the original response to the request for review accompanied the Motion of Reconsideration.

### DECISION

The Motion for Reconsideration is denied.

We are advised that judicial review of this case has been sought pursuant to TEX. REV. CIV. STAT. ANN., art. 8308-6.61 (Vernon Supp. 1992). Accordingly, the Appeals Panel does not have jurisdiction to reconsider the decision rendered in this case on

June 29, 1992. See Smith v. Wald Transfer & Storage Co., 97 S.W.2d 991 (Tex. Civ. App.-Austin 1936, writ dismissed). Motion denied.

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Stark O. Sanders, Jr.  
Chief Appeals Judge

CONCUR:

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Joe Sebesta  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge