

APPEAL NO. 931090

This appeal is brought pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act) (formerly V.A.C.S., Article 8308-1.01, *et seq.*). A contested case hearing was held on September 21, 1993, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer determined that the respondent (claimant) contracted asbestosis in the course and scope of his employment; that the claimant had good cause for late filing of a claim for compensation with the Texas Workers' Compensation Commission (Commission); but that the claimant, without good cause, failed to timely report his asbestosis to his employer. As a result, benefits were denied.

In a conditional request for review, the appellant (carrier) challenges the hearing officer's factual findings and conclusions of law that the claimant contracted asbestosis in the course and scope of his employment, that he had an injurious exposure to asbestos while working for the employer and that he had good cause for the late filing of his claim with the Commission. However, if the claimant does not timely appeal from the hearing officer's decision, the carrier requests that the Appeals Panel dismiss its request for review. The decision of the hearing officer was distributed to the parties on November 17, 1993. December 7, 1993, was the last day for timely appealing the decision of the hearing officer. As of the date of this decision, the appeals file does not show that the claimant had filed a request for review pursuant to Section 410.202(a).

DECISION

Finding that the carrier was relieved of liability under the 1989 Act by the decision of the hearing officer below, and further finding that the decision has not been timely appealed by the claimant pursuant to the 1989 Act and applicable rules of the Commission, we have determined that the carrier's request to review certain disputed findings and conclusions is moot. See Texas Workers' Compensation Commission Appeal No. 92618, decided January 4, 1993. Carrier's appeal is dismissed. The decision of the hearing officer has become final.

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Lynda H. Nesenholtz  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge