

APPEAL NO. 931120

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 in (city), Texas, on October 25, 1993, (hearing officer) presiding as hearing officer. She determined that the respondent (claimant) sustained an injury (carpal tunnel syndrome) in the course and scope of her employment on (date of injury), but that she did not, without good cause, timely notify her employer of a work-related injury. The hearing officer also determined that the claimant had periods of disability and that she had not exercised an election of remedies in having her medical costs filed under her group health insurance and filing for disability pay under other employer benefit programs. The hearing officer's decision states that the carrier is not ordered to pay benefits under the 1989 Act. The Decision and Order of the hearing officer was distributed to the parties on November 29, 1993 and as of this date no request for review by the Appeals Panel has been filed by the claimant. The appellant (carrier) filed a conditional appeal of the hearing officer's finding that the claimant sustained an injury in the course and scope of her employment. The appeal was conditioned upon the filing of a request for review by the claimant. In the absence of an appeal by the claimant, the carrier requests that the conditional appeal be dismissed without rendering a decision concerning the points raised. No response has been filed to the carrier's conditional appeal.

DECISION

Finding that the carrier was relieved of liability for benefits under the 1989 Act by the decision of the hearing officer, and further finding that this decision has not been appealed by the claimant, we have determined that a review of the finding and conclusion of the hearing officer that an injury in the course and scope of employment was sustained is moot and that the conditions of the appeal on that issue have not come to pass, and therefore, the hearing officer's decision and order are final. See Texas Workers' Compensation Commission Appeal No. 92618, decided January 4, 1993. Section 410.202 provides that a party desiring to appeal must file a written request not later than the 15th day after the date on which the decision of the hearing officer is received. This has not been done by the claimant. The hearing officer's decision is, accordingly, final.

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Stark O. Sanders, Jr.  
Chief Appeals Judge

CONCUR:

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Joe Sebesta  
Appeals Judge

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Susan M. Kelley  
Appeals Judge