

APPEAL NO. 93615

This appeal arises under the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). At a contested case hearing held in (city), Texas, on June 11, 1993, the hearing officer determined that respondent (claimant), while establishing that she was the eligible spouse of CL, deceased (decedent), within the meaning of Section 408.182(f)(3), and was a legal beneficiary of decedent within the meaning of Sections 408.181 and 408.182, failed to prove that decedent suffered a compensable injury within the meaning of Section 401.011(10) which resulted in his death on (date of injury). The hearing officer further determined that claimant filed her claim for death benefits more than one year after the first anniversary of decedent's death, did not show good cause for her untimely filing, and that her claim is barred pursuant to Section 409.007. Claimant has not filed a request for review pursuant to Section 410.202(a). In its conditional request for review, the appellant (carrier) challenges the factual finding and legal conclusion concerning claimant's status as decedent's widow and beneficiary. However, the carrier goes on to state that if the claimant does not appeal from the hearing officer's decision, the carrier "will authorize the Commission Appeals Panel to dismiss this Appeal as moot and to affirm the Decision and Order . . ."

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 appealed by the claimant, we have determined that a review of the finding and conclusion disputed by the carrier is moot and that the decision of the hearing officer should therefore be affirmed. See Texas Workers' Compensation Commission Appeal No. 92618, decided January 4, 1993; Texas Workers' Compensation Commission Appeal No. 92704, decided February 11, 1993.

The decision of the hearing officer is affirmed.

Philip F. O'Neill
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge