

APPEAL NUMBER 94584
FILED JUNE 20, 1994

On February 8, 1994, a contested case hearing was held in (City), Texas, with (hearing officer) presiding as the hearing officer. The hearing was held under the provisions of the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). The hearing officer decided as follows in regard to the disputed issues: (1) respondent one, claimant, sustained an occupational disease in the form of silicosis; (2) the claimant's date of injury was _____; (3) the claimant gave timely notice of injury to his employer; (4) the claimant timely filed a claim for compensation with the Texas Workers' Compensation Commission (Commission); (5) the claimant has not had disability and is not entitled to temporary income benefits; and (6) respondent two, Travelers Indemnity Company of Rhode Island, is liable to the claimant for workers' compensation benefits on his workers' compensation claim. The hearing officer ordered respondent two to pay workers' compensation benefits in accordance with his decision, the 1989 Act, and Commission Rules.

The appellant, Legion Insurance Company, timely filed a "Conditional Request for Review" in which it states that its request for review is to be considered only if the claimant or respondent two files a timely request for review. Although the claimant filed a response to the appellant's conditional request for review in which the claimant requests affirmance of the hearing officer's decision, neither the claimant nor respondent two has filed a request for review of the hearing officer's decision, and the statutory time period for filing a request for review has expired. Consequently, in accordance with the appellant's statement that its conditional request for review is to be considered only if the claimant or respondent two files a timely request for review, we do not consider the appellant's conditional request for review. The hearing officer's decision and order are final. See Texas Workers' Compensation Commission Appeal No. 931120, decided January 21, 1994 (unpublished).

Robert W. Potts
Appeals Judge

CONCUR:

Stark O. Sanders, Jr.
Chief Appeals Judge

Joe Sebesta
Appeals Judge