

APPEAL NO. 990756

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 8, 1999. The issues at the CCH were whether the _____, compensable injury is a cause of the respondent's (claimant) claimed impotency and reflex sympathetic dystrophy (RSD) and whether the appellant (carrier) timely contested the claimant's claimed impotency and RSD. The hearing officer determined that the _____, compensable injury (an electric shock) was not a cause of the claimant's claimed impotency; that the carrier did not timely contest the claimant's claimed impotency, and, therefore, it is a part of the claimant's compensable injury; and that the carrier did not timely contest compensability of the claimant's RSD condition, and, therefore, the claimant's RSD condition is compensable. The carrier appeals, contesting the findings and conclusions against it and contending that the hearing officer's decision is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. The claimant responds that the hearing officer's decision is correct, supported by sufficient evidence, and should be affirmed.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

The carrier in its appeal states that the decision and order of the hearing officer purports to have been mailed on March 23, 1999, and was received by the carrier on March 25, 1999. However, records of the Texas Workers' Compensation Commission (Commission) show that the decision of the hearing officer was signed for by the carrier's representative on March 24, 1999. Notice to the carrier's representative is notice to the carrier. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 156.1 (Rule 156.1). Pursuant to Section 410.202 and Rule 143.3(c), an appeal, to be timely filed, must be mailed not later than the 15th day after receipt of the hearing officer's decision. Thus, the last day to timely file an appeal would be April 8, 1999. The envelope which contained the carrier's appeal bears a United States Postal Service imprint showing mailing on April 9, 1999, and the appeal itself states that it is being mailed to the Commission's central office and simultaneously to the claimant's attorney on April 9, 1999.

The hearing officer's decision and order have become final pursuant to Section 410.169.

Philip F. O'Neill
Appeals Judge

CONCUR:

Stark O. Sanders, Jr.
Chief Appeals Judge

Judy L. Stephens
Appeals Judge