

APPEAL NO. 991093

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 April 9, 1999. The issues at the CCH were injury, date of injury, timely notice of injury, and disability. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury to both eyes as the result of a chemical spill, the claimant's date of alleged injury was \_\_\_\_\_, the respondent (carrier) is relieved of liability because of the claimant's failure to timely notify the employer, and the claimant did not sustain disability. The claimant appeals, disagreeing with 15 of the hearing officer's 50 findings of fact and with the hearing officer's conclusions of law regarding injury, lack of timely notice, and disability. The claimant asks that the Appeals Panel reverse the decision of the hearing officer and find that she did sustain an injury to both eyes on \_\_\_\_\_, and that she has sustained disability as of April 13, 1998. The carrier responds, urging that the disputed findings of fact are supported by legally sufficient evidence and/or are not against the great weight and preponderance of the credible evidence. The carrier asks that the Appeals Panel affirm the decision of the hearing officer.

DECISION

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

Pursuant to Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)), an appeal, to be timely, must be filed or mailed not later than the 15th day after the date of receipt of the hearing officer's decision. The records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was mailed to the claimant on April 23, 1999, with a cover letter dated April 23, 1999. The claimant states that she received the hearing officer's decision on April 27, 1999. The claimant had 15 days, or until Wednesday, May 12, 1999, to mail her request for review to the Commission. The claimant mailed her request for review on May 19, 1999, as shown by the postmark and the sticker showing payment of postage. Thus, under Section 410.169, we must find that the decision of the hearing officer is final.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge