

APPEAL NO. 991563

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 1, 1999. She (hearing officer) determined that appellant (claimant) timely notified his employer of his injury but that respondent (carrier) is relieved from liability because claimant did not file a claim within one year. Claimant appeals, contending that he did not know he had to file a claim with the Texas Workers' Compensation Commission (Commission). Carrier responds that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends on appeal that the hearing officer erred in determining that carrier is relieved from liability because he did not file a claim within one year. He asserts that he did not know he needed to file a claim with the Commission.

Section 409.003 provides, in part, that an employee shall file with the Commission a claim for compensation for an injury not later than one year after the date the injury occurred. Section 409.004 provides, in part, that failure to file a claim as required under Section 409.003 relieves the employer and the carrier of liability unless good cause exists for failure to file a claim in a timely manner.

Claimant testified that he sustained an injury at work on _____, when he slipped coming down some stairs. He said he continued to work his shift and that when he reported his injury, he was asked not to do anything about it so that his coworkers would not lose their safety bonuses. Claimant said he sat in the trailer and did not do very much work and that he was on light duty until he quit his job. He said he did not seek medical treatment for a few weeks and he did not have the medical records regarding his initial treatment. Claimant did not claim that he lost any time from work due to his injury. Claimant said he did not file his claim with the Commission until March 29, 1995, because he did not know he had a time limit in which to file a claim.

We are satisfied that the evidence sufficiently supports the finding that claimant did not lose at least a day of work as a result of his injury and that this finding supports the conclusion that claimant's time to file a claim was not tolled under Section 409.005 for that reason. Had claimant been pursuing that theory at the hearing, it would have been his burden to prove the applicability of the tolling statute including his absence from work for more than one day.

The evidence also supports the determination that claimant did not establish good cause for failing to file his claim for compensation within one year. The essence of claimant's good cause is ignorance of the law. Ignorance of the workers' compensation law

is not good cause for failure to comply with the law. Texas Workers' Compensation Commission Appeal No. 93551, decided August 19, 1993. We conclude that the hearing officer did not err in determining that carrier is relieved from liability because claimant did not file a claim within one year.

We affirm the hearing officer's decision and order.

Judy Stephens
Appeals Judge

CONCUR:

Joe Sebesta
Appeals Judge

Philip F. O'Neill
Appeals Judge