

APPEAL NO. 991619

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 June 10, 1999. With regard to the issues before her, the hearing officer determined that the impairment rating (IR) of the appellant (claimant) is seven percent. Claimant appeals, contending that the designated doctor should have included impairment for reflex sympathetic dystrophy (RSD) and that his IR should be 28%, as certified by Dr. J.

DECISION

The appeal in this case was not timely filed and the decision and order of the hearing officer are final. See Sections 410.169 and 410.202.

The records of the Texas Workers' Compensation Commission (Commission) reflect that the hearing officer's decision and order were forwarded to the parties by cover letter dated July 14, 1999, and distributed to the parties on that date. Claimant, in her appeal, states that she received the hearing officer's decision and order on July 14, 1999, the same day it was forwarded to the parties. Section 410.202 provides that an appeal shall be filed with the Appeals Panel "not later than the 15th day after the date on which the decision of the hearing officer is received . . . ." In that claimant received the hearing officer's decision on July 14, 1999, 15 days from that date would be Thursday, July 29, 1999. Claimant's appeal was sent to the Commission by facsimile transmission on Friday, July 30, 1999, and is date stamped received on that date. Because the appeal was filed beyond the statutory 15 days accorded in Section 410.202 (being after July 29, 1999), claimant's appeal is untimely.

Section 410.169 states the decision of the hearing officer is final in the absence of a timely appeal. Determining the appeal was not timely filed, as set forth above, we have no jurisdiction to review the hearing officer's decision. Accordingly, the hearing officer's decision and order have become final pursuant to Section 410.169 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16(f) (Rule 142.16(f)).

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Judy Stephens  
Appeals Judge

CONCUR:

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Alan C. Ernst  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge