

## APPEAL NO. 001459

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 May 25, 2000. The issues at the CCH were injury, timely notice, election of remedies, and disability. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that the respondent (carrier) is not relieved from liability because of failure of the claimant to timely notify her employer; that the claimant is not barred from pursuing workers' compensation benefits because she did not make an election to receive benefits under her personal insurance policy; and that the claimant had no disability. The claimant appealed, contending that her injury was job related and she is still suffering from its effects. The carrier responds that the hearing officer's determinations on injury and disability are supported by the 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.

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. Records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was mailed to the claimant on June 2, 2000, under a cover letter of the same date. The claimant states in her appeal that she received the hearing officer's decision on June 5, 2000. The claimant had 15 days from that date, or, in this case, until Tuesday, June 20, 2000, to file her appeal. The postage meter label on the envelope which contained the claimant's appeal is dated June 21, 2000; the claimant's certificate of service indicates service on the Commission on June 21; and the envelope is postmarked June 21, 2000. The claimant's appeal is untimely, having been mailed after June 20, 2000.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer have become final under Section 410.169.

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Tommy W. Lueders  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge