

APPEAL NO. 001481
FILED AUGUST 10, 2000

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 May 26, 2000, in _____, Texas, with _____ presiding as hearing officer. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____; and that the appellant (carrier) is not relieved of liability under Section 409.002 because the claimant timely notified the employer of her injury in accordance with Section 409.001. The carrier appealed, contending that the claimant did not sustain a compensable injury on _____, and that the person the claimant reported her alleged injury to was not her supervisor. The appeals file does not contain a response from the claimant.

DECISION

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

Records of the Texas Workers' Compensation Commission (Commission) show that the decision of the hearing officer was signed for by the carrier's Austin representative on June 7, 2000. Under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 156.1(a) (Rule 156.1(a)), each carrier shall designate an Austin representative to act as agent for receiving notice from the Commission, and, under Rule 156.1(c), notice to the carrier's representative is notice from the Commission to the carrier. Therefore, the carrier received the decision of the hearing officer on June 7, 2000, when its Austin representative received it.

Pursuant to Section 410.202 and 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. Thus, the last date for the carrier to timely file an appeal would be Thursday, June 22, 2000. The carrier's certificate of service recites service on the claimant on June 22, 2000, and the cover letter along with the carrier's appeal is dated June 22, 2000. However, the envelope in which the carrier's appeal was received bears a postage meter date of June 23, 2000, and a postmark of June 23, 2000. The appeal is thus untimely.

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.

Alan C. Ernst
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Judy L. Stephens
Appeals Judge