

APPEAL NO. 001795

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 July 12, 2000. The hearing officer determined that the claimant sustained a compensable injury on _____, and had disability resulting from the compensable injury beginning on December 17, 1999, and continuing through the date of the CCH. The appellant (carrier) appeals, requesting that we reverse the hearing officer's decision and render a decision in its favor. The claimant filed a response, requesting that the decision and order of the hearing officer 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.

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 July 19, 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 Austin representative is notice from the Commission to the carrier. Therefore, the carrier received the decision of the hearing officer on July 19, 2000, when its Austin representative received it, not on July 20, 2000, as the carrier states in its appeal.

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, August 3, 2000. The carrier's appeal, with a Certificate of Service reflecting service on the claimant on August 4, 2000, was delivered by facsimile transmission to the Commission and is stamped as received by the Commission's Chief Clerk of Proceedings on August 4, 2000. The appeal is, thus, untimely, being after August 3, 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.

Kenneth A. Huchton
Appeals Judge

CONCUR:

Alan C. Ernst
Appeals Judge

Tommy W. Lueders
Appeals Judge