

## APPEAL NO. 002159

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 August 21, 2000. In response to the sole issue at the hearing, the hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the sixth quarter. The claimant appealed the determinations regarding SIBs and good faith on sufficiency grounds. Claimant asks that the Appeals Panel reverse the hearing officer's decision and render a decision that claimant is entitled to SIBs for the sixth quarter. The file does not contain a response from the respondent (carrier).

### DECISION

Claimant's appeal was not timely filed. Thus, it did not invoke the jurisdiction of the Appeals Panel and the hearing officer's decision and order have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was mailed to claimant on August 30, 2000, with a cover letter dated that same date. Claimant's request for review indicates that he received the hearing officer's decision and order on September 1, 2000. Generally, a request for review must be filed with the commission's central office in Austin not later than the 15th day after receipt of the hearing officer's decision. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3 (Rule 143.3). In this instance, the 15th day after the date of receipt fell on a Saturday, so the appeal was due on Monday, September 18, 2000. Claimant's request for review was sent to the Commission by facsimile transmission on September 19, 2000, which was beyond the fifteenth day following the date of receipt of the hearing officer's decision. The appeal was received on September 19, 2000. Therefore, the appeal is untimely.

Because claimant did not timely file his request for review, the request for review did not properly invoke the Appeals Panel's jurisdiction. The hearing officer's decision and

order became final pursuant to Section 410.169.

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Robert E. Lang  
Appeals Panel  
Manager/Judge

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Gary L. Kilgore  
Appeals Judge