

APPEAL NO. 002325

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 28, 2000. With respect to the issues before her, the hearing officer determined that the respondent's (claimant) IR is 17% and that the claimant is entitled to supplemental income benefits for the first quarter. In its appeal, the appellant (carrier) asserts error in each of those determinations and requests that we reverse the hearing officer's decision and render a decision in its favor. In his response to the carrier's appeal, the claimant urges affirmance.

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 September 5, 2000. Under Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 156.1(a) (Rule 156.1(a)), each carrier is required to designate an Austin representative to act as its agent for receiving notice from the Commission, and, pursuant to 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 September 5, 2000, when its Austin representative received it.

Pursuant to Section 410.202, an appeal must be filed within 15 days after receipt of the hearing officer's decision. Rule 143.3(c) provides that an appeal is presumed to have been timely filed if it is mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Commission not later than the 20th day after receipt of the hearing officer's decision. The 15th day after September 15, 2000, was Saturday, September 30, 2000. Because the 15th day fell on Saturday, in accordance with Rule 102.3(a)(3), the time to file an appeal extended to Monday, October 2, 2000. The carrier's appeal was faxed to the Commission on Thursday, October 5, 2000, and is, therefore, untimely.

The carrier's appeal being untimely, the decision of the hearing officer has become final. Section 410.169.

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Judy L. Stephens
Appeals Judge