

APPEAL NO. 002899

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 November 20, 2000. The hearing officer made determinations on the issue of injury and disability favorable to the respondent (claimant).

The appellant (carrier) has appealed, and the claimant responded.

DECISION

Because the appeal was untimely, the decision of the hearing officer has become final.

An appeal must be filed not later than 15 days after the party receives the decision from the Hearings Division of the Texas Workers' Compensation Commission. Section 410.202(a). While the carrier's attorney recites that the decision was received by the carrier on November 30, 2000, the decision, in fact, was signed for by the carrier's Austin representative on November 29, 2000. It is the date of receipt by the party, not the party's attorney, that determines the date an appeal is due.

The appeal was required to be mailed not later than December 14, 2000 (Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(a)(3) (Rule 143.3(a)(3))), but was postmarked December 15, 2000. The decision of the hearing officer has become final.

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge