

## APPEAL NO. 010031

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On November 16, 2000, a hearing was held. The hearing officer decided that the appellant's (claimant) compensable injury of \_\_\_\_\_, did not include the claimant's head, rib cage, left hand, low back, left leg, left hip, left knee, left ankle, or left foot. The claimant appealed, asserting, in essence, that the hearing officer's decision is against the great weight of the evidence. The respondent (carrier) responded that the hearing officer's decision should be affirmed.

### DECISION

Determining that the claimant's appeal was not timely filed and that the jurisdiction of the Appeals Panel has not been properly invoked, the hearing officer's decision and order have become final pursuant to Section 410.169 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16(f) (Rule 142.16(f)).

Rule 143.3(a)(3) provides that an appeal of a hearing officer's decision must be filed with the Texas Workers' Compensation Commission's (Commission) central office in Austin not later than the 15th day after receipt of the hearing officer's decision. Rule 143.3(c) provides that an appeal will be deemed as having been filed timely if it is mailed not later than the 15th day after the date of receipt of the hearing officer's decision.

The hearing officer's decision was mailed to the parties on December 5, 2000. The claimant is deemed to have received the hearing officer's decision on December 10, 2000. Rule 102.5(d). The last day of the 15-day time limit for appeal was December 25, 2000. Since December 25 and December 26 were holidays, the time for filing was extended to December 27, 2000. The claimant's appeal was postmarked as having been filed on December 29, 2000.

The claimant's appeal being untimely, the hearing officer's decision and order have become final pursuant to Section 410.169.

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Kenneth A. Huchton  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Susan M. Kelley  
Appeals Judge