

APPEAL NO. 010081

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On December 18, 2000, a hearing was held. The hearing officer decided that the compensable injury of _____, includes the diagnoses of spinocerebellar degeneration and ataxia. The appellant (self-insured) appealed, asserting that the hearing officer's decision is against the great weight of the evidence. The respondent (claimant) responded that the decision is supported by the evidence and should 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.

Pursuant to Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (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. Records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was received by the self-insured's representative on December 20, 2000. Rule 143.3(c) provides that a request for review is presumed to have been timely filed if it is mailed on or before the 15th day after the date of receipt of the hearing officer's decision and is received by the Commission not later than the 20th day after the date the hearing officer's decision is received. The last day for the self-insured's appeal to have been timely mailed is Thursday, January 4, 2001. The cover letter with the self-insured's appeal is dated January 5, 2001 and the envelope in which the appeal was mailed is also postmarked January 5, 2001. The self-insured's appeal is untimely, having been mailed after the 15-day deadline set by Rule 143.3(c).

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:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge