

APPEAL NO. 010092

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). On December 6, 2000, a hearing was held. The hearing officer decided that a bona fide offer of employment had not been tendered; that the appellant (claimant) had disability from June 23, 2000, through July 13, 2000, but not thereafter; and that the Texas Workers' Compensation Commission (Commission) had abused its discretion in approving the claimant's change of treating doctors from Dr. L to Dr. S. The claimant appealed the hearing officer's determinations on disability and on change of treating doctors. The respondent (carrier) urged that the hearing officer's decision 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 Commission's central office in Austin not later than the 15th day after receipt of the hearing officer's decision. Rule 143.3(c) provides that if an appeal is mailed before the expiration of the 15 days for appeal, it will be deemed timely if it is received in the Commission's central office not later than the 20th day after the date of receipt of the hearing officer's decision. Texas Workers' Compensation Commission Appeal No. 000882, decided May 30, 2000.

The claimant received the hearing officer's decision on December 20, 2000. Although the claimant's appeal was mailed on January 4, 2001, as evidenced by the envelope containing the appeal, it was not received in the Commission's central office until January 11, 2001.

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

Kenneth A. Huchton
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Susan M. Kelley
Appeals Judge