

## APPEAL NO. 010118

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 14, 2000. The issues at the CCH were injury, timely report of injury, election of remedies, and disability. The hearing officer determined that the appellant (claimant herein) did not suffer a compensable injury; that the claimant did not timely report an injury; that the claimant is not barred from pursuing his claim because of an election of remedies; and that the claimant did not have disability. The claimant files a request for review, contending that the hearing officer erred. There is no response to the claimant's request for review in the appeal file from the respondent (carrier herein).

### 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 distributed to the claimant on December 19, 2000, under a cover letter of the same date. The claimant's appeal states that he received the hearing officer's decision on December 21, 2000.

Pursuant to Section 410.202 and Tex. W.C. Comm'n, 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, or, in this case, not later than Friday, January 5, 2001. The postmark on the envelope in which the claimant's request for review was sent to the Commission is January 10, 2001. The appeal is untimely, having been transmitted after the 15-day deadline.

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.

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Philip F. O'Neill  
Appeals Judge

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Robert W. Potts  
Appeals Judge