

APPEAL NO. 010131

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 December 6, 2000. The hearing officer determined that the appellant (claimant) had disability for only the period from August 5 through August 24, 1999.

The claimant has appealed and argues that she was initially told by the employer it did not have workers' compensation insurance and that she has not been released to work by her doctor. The respondent (carrier) argues facts in support of the hearing officer's decision.

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). The claimant recited that she received the decision of the hearing officer on December 28, 2000. The appeal was required to be filed not later than January 12, 2001 (Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(a)(3) (Rule 143.3(a)(3))), but was actually postmarked January 17, 2001, and received on January 22, 2001. The appeal is therefore untimely and the decision of the hearing officer has become final.

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge