

## APPEAL NO. 010380

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on January 10, 2001. The hearing officer resolved the sole disputed issue by determining that the appellant (claimant) is not entitled to supplemental income benefits for the eighth and ninth quarters. The claimant has filed a document which he apparently considers to be a request for review which embodies a deficient certificate of service. The claimant did not serve the respondent (carrier) on the same day the appeal was filed. The Texas Workers' Compensation Commission (Commission) faxed a copy of the claimant's document to the respondent. The respondent filed a response urging affirmance of the hearing officer's decision since the claimant did not timely file a request for review.

### DECISION

The jurisdiction of the Appeals Panel has not been invoked because the claimant did not file a timely appeal. The decision and order of the hearing officer have become final pursuant to Section 410.169.

The claimant filed a signed copy of a published Commission appeals guidance brochure with an attached note listing job duties as his appeal without clearly and concisely rebutting or supporting the decision of the hearing officer's determination. Section 410.202(c) provides that, "A request for appeal or a response must clearly and concisely rebut or support the decision of the hearing officer on each issue on which review is sought." The document filed by the claimant fails to indicate any disagreement or dispute with the hearing officer's decision or any request to review new evidence; therefore, it simply cannot be considered a request for appeal. The Appeals Panel has held that no request for review was timely filed where the Commission only received a document which was essentially a certificate of service, with no request for appeal attached. Texas Workers' Compensation Commission Appeal No. 93998, decided December 14, 1993.

Since a request for appeal of the hearing officer's decision is untimely, the decision of the hearing officer has become final under Section 410.169.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge