

APPEAL NO. 010406

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 January 24, 2001. The hearing officer determined that: (1) respondent (claimant) reached maximum medical improvement on May 17, 2000; and (2) claimant's impairment rating is 15%. Appellant (carrier) appealed on grounds of sufficiency of the evidence and abuse of discretion by the hearing officer. Claimant did not file a response.

DECISION

Because carrier did not file a timely appeal, the hearing officer's decision and order have become final pursuant to Section 410.169. Records of the Texas Workers' Compensation Commission (Commission) show that on Wednesday, January 31, 2001, carrier's Austin representative signed for the hearing officer's decision.

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 and received by the Commission not later than the 20th day after the date of receipt of the hearing officer's decision. In this case, the request for review had to be received by the Commission no later than Tuesday, February 20, 2001. Carrier's request for review was received by the Commission on February 23, 2001.<sup>1</sup> Carrier's appeal is untimely, having been received by the Commission after the 20th day after the date of receipt of the hearing officer's decision.

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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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge

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<sup>1</sup>Carrier's appeal was mailed to an incorrect address.