

APPEAL NO. 010438

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 25, 2001. The hearing officer determined that: (1) respondent (claimant) sustained a compensable injury on _____; (2) appellant (carrier) waived the right to contest the compensability of the claimed injury; and (3) claimant had disability on May 21, 2000, and from May 24, 2000, through the date of the hearing resulting from the injury sustained on _____. Carrier appealed on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the decision and order.

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 Friday, February 2, 2001, carrier's Austin representative signed for the hearing officer's decision.

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 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 Thursday, February 22, 2001. Carrier's request for review was received by the Commission on February 27, 2001.¹ 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.

¹Carrier's appeal was mailed to an incorrect address.

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.

Judy L. S. Barnes
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Thomas A. Knapp
Appeals Judge