

APPEAL NO. 010849
FILED JUNE 5, 2001

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 April 2, 2001. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____. The appellant (carrier) appealed the determination on sufficiency of the evidence grounds. No response has been filed to the appeal.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

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 not later than the 15th day after the date of receipt of the hearing officer's decision. In its appeal, the carrier states that it received the hearing officer's decision and order on April 6, 2001. However, records of the Texas Workers' Compensation Commission (Commission) show that the decision was signed for by the carrier's representative on April 5, 2001. Under Rule 156.1(c), notice to the carrier's representative is notice to the carrier. Therefore, the carrier received the decision of the hearing officer on April 5, 2001, when its Austin representative received it. Accordingly, the last date for the carrier to timely file an appeal was Friday, April 20, 2001, not Monday, April 23, 2001, as the carrier asserts. The carrier's appeal was hand-delivered and was stamped as received by the Commission's Chief Clerk of Proceedings on April 23, 2001. The appeal is untimely.

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.

Michael B. McShane
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge