

APPEAL NO. 011193
FILED JULY 11, 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 May 8, 2001. The hearing officer determined that the respondent's (claimant) compensable injury of _____, included an injury to the left shoulder. 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. Records of the Texas Workers' Compensation Commission (Commission) show that the decision was signed for by the carrier's Austin representative on May 14, 2001. Under Rule 156.1(c), notice to the carrier's Austin representative is notice to the carrier. Therefore, the carrier received the decision of the hearing officer on May 14, 2001, when its Austin representative received it. Accordingly, the last date for the carrier to timely file an appeal was Wednesday, May 29, 2001. The carrier's appeal was faxed with a cover sheet dated May 30, 2001, and was stamped as received by the Commission's Chief Clerk of Proceedings on May 30, 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

Philip F. O'Neill
Appeals Judge