

APPEAL NO. 012120  
FILED SEPTEMBER 27, 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 July 30, 2001. With respect to the issues before her, the hearing officer determined that the compensable injury of the appellant (claimant) did not extend to a psychological injury. Claimant filed an appeal citing sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

Claimant's appeal was not timely filed. Thus, it did not invoke the jurisdiction of the Appeals Panel and the hearing officer's decision and order have become final pursuant to Section 410.169.

We note that Section 410.202 was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in the Texas Government Code in the computation of the 15-day appeal period. In this instance, the hearing officer's decision and order was distributed to the parties on Thursday, August 2, 2001. Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), claimant was deemed to have received the hearing officer's decision on Tuesday, August 7, 2001, five days after it was mailed. Based on that date of receipt, the 15-day deadline for mailing the appeal was Wednesday, August 29, 2001. Claimant's appeal was sent to the Texas Workers' Compensation Commission (Commission) by facsimile transmission on September 6, 2001. The brief from carrier indicates that it received claimant's appeal on August 16, 2001, and a Dispute Resolution Information System note indicates that claimant said she mailed her appeal on or about August 14, 2001. However, a certified mail receipt in the record indicates that two items were sent to an address that included zip code \_\_\_\_\_. Carrier's address is in that zip code, but the Commission's address is not. This indicates that claimant may have sent the Commission's copy of the appeal to the wrong address. The record before us does not indicate that the appeal was ever received by mail from claimant.

Because claimant did not timely file her request for review, the request for review did not properly invoke the Appeals Panel's jurisdiction. The hearing officer's decision and

order became final pursuant to Section 410.169 and Rule 142.16(f).

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
COMMODORE 1, SUITE 750  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge