

APPEAL NO. 012182  
FILED OCTOBER 30, 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 16, 2001. With respect to the issues before him, the hearing officer resolved that the respondent (claimant) sustained a compensable injury on \_\_\_\_\_, and that he had disability from September 26, 2000, through May 16, 2001. In its appeal, the appellant (carrier) argues that the hearing officer should be reversed on sufficiency grounds. There is no response in the file from the claimant.

DECISION

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

Records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was signed for by the carrier's representative on June 14, 2001. Under the applicable law governing this case, Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)), require that 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. Currently, a party who wishes to appeal the decision and order must file a request for review not later than 15 days after the date on which such new decision is received from the Commission's Division of Hearings. Section 410.202 was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Government Code in the computation of the 15-day appeal and response periods. Using the current calculation method, the request for review in this case had to be received by the Commission no later than Friday, July 6, 2001.<sup>1</sup> The carrier's request for review was received by the Commission via facsimile transmission on September 17, 2001.<sup>2</sup> The carrier's appeal is therefore untimely.

---

<sup>1</sup>We note that the appeal would have been late under either the former or the current calculation procedure.

<sup>2</sup>The carrier originally mailed its appeal 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.

---

Thomas A. Knapp  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Philip F. O'Neill  
Appeals Judge