

APPEAL NO. 012220  
FILED OCTOBER 25, 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 31, 2001. With regard to the sole issue before her, the hearing officer found that the appellant (claimant herein) had a five percent impairment rating (IR) based upon the amended report of a designated doctor who was selected by the Texas Workers' Compensation Commission (Commission). The claimant appeals, contending that the designated doctor improperly computed her IR. The claimant also contends that the designated doctor amended his IR without an examination and did not amend his IR for a proper reason or within a reasonable amount of time. The respondent (carrier herein) replies that the claimant did not file her appeal timely and therefore failed to invoke the jurisdiction of the Appeals Panel.

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(a), a written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202 was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in the Texas Government Code from the computation of time in which to file an appeal. Section 410.202(d). Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § Rule 143.3(c) (Rule 143.3(c)) provides that an appeal is presumed to have been timely filed if it is 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. Both portions of Rule 143.3(c) must be satisfied in order for an appeal to be timely. Texas Workers' Compensation Commission Appeal No. 002806, decided January 17, 2001.

Commission records indicate that the hearing officer's decision was mailed to the claimant on August 10, 2001. The claimant was deemed to have received the hearing officer's decision on August 15, 2001, five days after it was mailed. Rule 102.5(d). Accordingly, the last day for the claimant to file an appeal was September 7, 2001, a Friday. The claimant mailed a copy of her appeal to the Commission in an envelope postmarked September 14, 2001, and this appeal was stamped received by the Commission on September 19, 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 has become final under Section 410.169.

Because there was no timely appeal, we do not have jurisdiction to remand this case to get correct and complete information about the registered agent.

Information in the record shows:

**CRAWFORD & COMPANY  
P. O. BOX 14800  
AUSTIN, TX 78761-4800.**

However, information on the Texas Insurance Department web site shows the registered agent as:

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TX 75201.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Susan M. Kelley  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge