

APPEAL NO. 012222
FILED OCTOBER 29, 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 August 23, 2001. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable repetitive trauma injury, with a date of injury of _____; that the respondent (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify her employer of an injury under Section 409.001; and that the claimant has not had disability.

DECISION

The hearing officer's decision has become final under Section 410.169 because a timely appeal has not been filed with the Texas Workers' Compensation Commission (Commission).

Section 410.202(c) provides, "A request for appeal or a response must clearly and concisely rebut or support the decision of the hearing officer on each issue on which review is sought." See *also* Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE Sec. 143.3(a)(2).

On _____, the claimant filed with the Commission the blue information brochure published by the Commission entitled "Review of Claims Disputes by the Commission's Appeals Panel" (brochure) and signed the brochure in the sample service part of that brochure. The Appeals Panel has held that the filing of that brochure with the Commission is insufficient to constitute a request for appeal because it does not tell us how or why a claimant disagrees with a hearing officer's decision. See Texas Workers' Compensation Commission Appeal No. 94973, decided September 1, 1994. In Appeal No. 94973, the Appeals Panel explained that we have generally held that a simple written statement from an unrepresented claimant that he or she thinks that the hearing officer was wrong and does not agree with the decision will be interpreted as a challenge to the sufficiency of the evidence, but that even those minimal filings we have accepted as appeals indicated disagreement with the hearing officer's decision. As noted in Appeal No. 94973, the law does not require the Commission to speculate and guess about what portions of the decision are disputed or whether the decision has even been disputed. As was the case in Appeal No. 94973, the claimant's filing of the brochure in the instant case did not state the grounds upon which review was requested nor indicate disagreement with any portion of the hearing officer's decision. See *also* Texas Workers' Compensation Commission Appeal No. 000452, decided April 13, 2000, and Texas Workers' Compensation Commission Appeal No. 002385, decided December 1, 2000, both of which held that the filing of the brochure was insufficient to constitute an appeal.

The last day for the claimant to have filed a timely and sufficient appeal with the Commission under Section 410.202, as amended June 17, 2001, was September 25, 2001. The filing of the brochure on _____, did not constitute the filing of a

sufficient appeal and the time for filing an appeal has expired.

The decision and order of the hearing officer have become final under Section 410.169.

The true corporate name of the insurance carrier is **RELIANCE NATIONAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**TIMOTHY J. MCGUIRE
633 NORTH STATE HIGHWAY 161
SUITE 200
IRVING, TEXAS 75038**

Robert W. Potts
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Philip F. O'Neill
Appeals Judge