

APPEAL NO. 012620  
FILED DECEMBER 3, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on October 9, 2001, the hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that the claimant's injury of \_\_\_\_\_, does not extend to include a herniated disc of the lumbar spine, sacroiliitis, cervicocranial syndrome, thoracic sprain, and muscle spasms; and that the claimant did not have disability from December 7, 2000, to the date of the hearing. The claimant has filed a document entitled "Appeals Request." The response file by the respondent (self-insured employer) urges the sufficiency of the evidence to support the challenged determinations.

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 that "[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." Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(a)(2) (Rule 143.3(a)(2)) states that the request for review shall "clearly and concisely rebut each issue in the hearing officer's decision that the appellant wants reviewed, and state the relief the appellant wants granted."

On October 30, 2001, the Commission received a handwritten communication from the claimant entitled "Appeals Request" which stated the following:

I hereby certify that I have on this day 25<sup>th</sup> of October, 2001, served a copy of the attached request for appeal on [self-insured employer] TWC # 1, INS CO # ES101263 by the procedure of Requesting an Appeal by Texas Worker's Compensation Commission.

This communication is signed by the claimant. No attached request for appeal accompanied this communication.

In Texas Workers' Compensation Commission Appeal No. 012222, decided October 29, 2001, we cited our decision in Texas Workers' Compensation Commission Appeal No. 94973, decided September 1, 1994, holding that the filing of a Commission brochure entitled "Review of Claims Disputes by the Commission's Appeals Panel" 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." Our decision went on to state that Appeal No. 94973 explained that the Appeals Panel "has" 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." We further noted from Appeal No. 94973 that "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."

It is apparent on the face of the claimant's communication to the Commission that it does not state the grounds upon which review is requested nor indicate dispute with any portion of the hearing officer's decision.

The last day for the claimant to have filed a timely and sufficient request for appeal with the Commission pursuant to Section 410.202, as amended June 17, 2000, was November 7, 2001. The communication filed by the claimant 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 pursuant to Section 410.169.

The true corporate name of the insurance carrier is (a self-insured governmental entity) and the name and address of its registered agent for service of process is

**SUPERINTENDENT  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge