

APPEAL NO. 012760  
FILED DECEMBER 6, 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 October 2, 2001. The appellant (claimant) was found not entitled to several quarters of supplemental income benefits. The claimant appealed and the respondent (carrier) responded seeking affirmance.

DECISION

A timely appeal not having been filed with the Texas Workers' Compensation Commission (Commission), the decision of the hearing officer has become final.

The decision of the Commission was distributed on October 12, 2001. Pursuant to 28 TEX. ADMIN. CODE §102.5(d), the claimant is deemed to have received this decision on October 17, 2001. The appeal was due in accordance with amended Section 410.202 to be filed by November 8, 2001. The reason that the appeal was not received by the Commission is explained in two letters from the claimant's attorney, showing that the appeal was not mailed to the address of the Commission that is set out in the cover letter to the hearing officer's decision, but instead to a post office box that has not been held by the Commission for over a year. It was thus returned by the postal service without being filed with the Commission. The first appeal filed with the Commission was on November 13, 2001; this is untimely and by operation of Section 410.169, the hearing officer's decision has become final.

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

**VAN WAGNER CO.  
1100 JUPITER ROAD, SUITE 121  
PLANO, TEXAS 75074.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Michael B. McShane  
Appeals Judge

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Philip F. O'Neill  
Appeals Judge