

APPEAL NO. 020120
FILED FEBRUARY 22, 2002

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 December 6, 2001. With regard to the disputed issue before her, the hearing officer determined that appellant (claimant) did not have disability beginning on August 7, 2001, and continuing through the date of the hearing. Claimant has appealed, contending that his evidence established that he has disability as a result of his compensable injury. Respondent (carrier) contends that claimant did not timely file his appeal and, in the alternative, urges that sufficient evidence supports the challenged finding.

DECISION

Claimant did not file his appeal timely. Therefore, the hearing officer's decision and order have become final pursuant to Section 410.169.

Pursuant to Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)), 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. Claimant, in his appeal, acknowledges receipt of the hearing officer's decision on December 17, 2001.¹

Section 410.202(a) provides that a request for appeal shall be filed not later than the 15th day after the date on which the hearing officer's decision was received. 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). Claimant had 15 days from December 17, 2001, or until January 11, 2002, to file his request for review with the Texas Workers' Compensation Commission (Commission). Claimant's appeal was sent to the Commission by facsimile on January 15, 2002, and received that same date. 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 have become final under Section 410.169.

¹ Although claimant states that he received the hearing officer's decision on the 17th day of December 2002, the reference to "2002" is a typographical error.

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

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

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Susan M. Kelley
Appeals Judge