

APPEAL NO. 020314
FILED FEBRUARY 27, 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 18, 2001. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits for the first, second, and third quarters. The claimant appeals, asserting that his evidence was sufficient to show that he had an inability to work, that the hearing was one-sided, and that he would like to have another hearing with a different hearing officer. The respondent (carrier) replies, arguing that the claimant's appeal is untimely, that the matters attached to the claimant's appeal should not be considered, and that the claimant's evidence failed to prove that the claimant had an inability to work during the qualifying periods.

DECISION

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

The claimant's appeal states that the decision of the hearing officer was received by the claimant on January 7, 2002. Pursuant to Section 410.202(a) and (d), for an appeal to be considered timely, it must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in the Texas Government Code. The last date for the claimant to timely file an appeal was January 29, 2002. Although it appears from an envelope included within the appeal package that the claimant mailed his appeal initially on January 22, 2002, that envelope was misaddressed and apparently returned to the claimant, who then remailed the entire appeal package in an envelope which is postmarked February 2, 2002, and which is stamped as being received by the Texas Workers' Compensation Commission Chief Clerk of Proceedings on February 8, 2002. Therefore, 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.

The true corporate name of the insurance carrier is **EMPLOYERS INSURANCE OF WAUSAU, A MUTUAL COMPANY**, and the name and address of its registered agent for service of process is

**RICK KNIGHT
105 DECKER COURT, SUITE 600
IRVING, TEXAS 75062.**

Michael B. McShane
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Terri Kay Oliver
Appeals Judge