

APPEAL NO. 020319
FILED APRIL 15, 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 February 6, 2002. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the first, second, third, fourth, and fifth quarters, beginning November 15, 2000, and continuing through February 12, 2002; and that the claimant has permanently lost entitlement to SIBs pursuant to Section 408.146(c) because he was not entitled to them for twelve consecutive months. Although the claimant timely submitted a letter dated March 7, 2002, in which he states that he "served a copy of the attached request for appeal" on the respondent (self-insured), the referenced "appeal" was not attached to the letter. The self-insured filed a response, taking the position that the claimant's submission does not amount to an appeal, or, if it does, that the hearing officer should be affirmed.

DECISION

The above communication does not meet the minimum requirements of an appeal; the decision and order of the hearing officer are final. Section 410.169.

Section 410.202(c) provides that "[a] request for appeal . . . must clearly and concisely rebut . . . the decision of the hearing officer on each issue on which review is sought." The Appeals Panel in Texas Workers' Compensation Commission Appeal No. 951079, decided August 16, 1995, and Texas Workers' Compensation Commission Appeal No. 951478, decided October 17, 1995, found that appeals had not been made. Those two cases did at least indicate that the appellant sought to appeal, but the only document submitted by the claimant in this case does not indicate any disagreement with the hearing officer's decision and order. *See also* Texas Workers' Compensation Commission Appeal No. 951911, decided December 19, 1995.

We have liberally interpreted Section 410.202(c) to allow a simple statement of disagreement with the hearing officer's decision to suffice as an appeal. However, in this case, the document filed by the claimant fails to state any disagreement or dispute with the hearing officer's decision and simply cannot be considered as a request for review under Section 410.202(c). Texas Workers' Compensation Commission Appeal No. 94973, decided September 1, 1994; Texas Workers' Compensation Commission Appeal No. 93998, decided December 14, 1993. To the contrary, in this instance, as in Appeal No. 951079, *supra*, the document filed by the claimant leaves us "with little more than speculation and conjecture as to what aspects of the decision, if any, are being appealed." That is, "[i]t neither articulates reasons for disagreement with the determinations of the hearing officer, nor does it distinguish the findings and conclusions as to which a review is sought." Appeal No. 951911, *supra*; *see also* Appeal No. 951478, *supra*. Accordingly, we find the claimant's submission insufficient to serve as an appeal. The jurisdiction of the Appeals Panel not having been properly invoked, the decision and order have become final

under 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

**AC
CITY SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Michael B. McShane
Appeals Judge

CONCUR:

Terri Kay Oliver
Appeals Judge

DISSENTING OPINION:

I dissent essentially on the same basis as I did in Texas Workers' Compensation Commission Appeal No. 981486, decided August 12, 1998, wherein I stated as follows in dissent:

I dissent. Last year around this time of year, we considered a case in which the claimant filed a document with the Appeals Panel that stated, "I want to appeal this Decision." Finding this document was an adequate appeal, we stated as follows in Texas Workers' Compensation Commission Appeal No. 970931, decided August 13, 1997 (Unpublished):

We will address the adequacy of claimant's appeal first, as it is jurisdictional. Section 410.202(c) discusses the form of appeals and responses. Early on, and repeatedly since, we have held that no particular form of appeal is required and that an appeal, even though terse and unartfully worded, will be considered. Texas Workers' Compensation Commission Appeal No. 91131, decided February 12, 1992; Texas

Workers' Compensation Commission Appeal No. 93040, decided March 1, 1993, and cases cited therein. We have also held that appeals which lack specificity will be treated as attacks on the sufficiency of the evidence. Texas Workers' Compensation Commission Appeal No. 92081, decided April 14, 1992.

I really see no distinction between this case and Appeal No. 970931, *supra*. If there is any real difference in the context of our dispute resolution system between saying I want to appeal and saying I want to file a notice of appeal, it is lost on me. I think that since one of the primary goals of the 1989 Act was to reduce the costs of the Texas workers' compensation system by reducing the need for attorney representation in these matters, the dispute resolution system should be as user-friendly as possible for lay people. Strict rules of pleading does not further this goal.

I see no distinction between the present case and Appeal No. 981486, *supra* (or between this case and Appeal No. 970931, *supra*). I would therefore treat the document sent to us by the claimant as an attack on whether there was sufficient evidence to support the decision of the hearing officer.

Gary L. Kilgore
Appeals Judge