

APPEAL NO. 020392  
FILED APRIL 3, 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 November 2, 2001, and January 15, 2002, with the record closing January 15, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and thus had no resulting disability. The claimant appealed the hearing officer's determinations on sufficiency grounds, and the respondent (carrier) responded, arguing that the claimant's appeal was untimely and alternatively urging affirmance on all points.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was distributed on January 22, 2002. The claimant does not allege to have received the decision prior to the date he was deemed to have received it on January 27, 2002. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)). The applicable law governing this case, Section 410.202 and Rule 143.3(c), requires that 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 and received by the Commission not later than the 20th day after the date of receipt of the hearing officer's decision; further, Section 410.202 was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in the Government Code in the computation of the 15-day appeal and response periods.

Using the current calculation method, the request for review in this case had to be postmarked no later than Friday, February 15, 2002, and received by the Commission no later than Monday, February 25, 2002. The claimant's request for review was postmarked by the United States Postal Service<sup>1</sup> on February 16, 2002, and received by the Hearings Division of the Commission on Tuesday, February 19, 2002. Thus, while the appeal arrived at the Commission within the 20-day period, it was not postmarked within the 15-day period and the claimant's appeal is therefore 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.

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<sup>1</sup>We note that the envelope containing the claimant's appeal had what appears to be his counsel's office postage meter stamp with a date of February 15, 2002.

The true name of the self-insured governmental entity is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

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

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Terri Kay Oliver  
Appeals Judge

CONCUR:

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Robert E. Lang  
Appeals Panel  
Manager/Judge

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Michael B. McShane  
Appeals Judge