

APPEAL NO. 020401  
FILED APRIL 10, 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 21, 2001. The hearing officer resolved the sole disputed issue by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, was not the producing cause of the low back injury after \_\_\_\_\_. The claimant appealed the hearing officer's determination on sufficiency grounds, and the respondent (self-insured) responded, urging affirmance.

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 she 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 hand-delivered on Tuesday, February 19, 2002. Thus, while the appeal arrived at the Commission within the 20-day period, it was not postmarked or hand-delivered 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.

The true name of the self-insured governmental entity is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**CLERK  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Terri Kay Oliver  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Susan M. Kelley  
Appeals Judge