

APPEAL NO. 021177
FILED JUNE 5, 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 March 26, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and that she did not have disability. The Appeals Panel did not receive a request for review from the claimant by April 23, 2002, the due date for an appeal by the claimant. The respondent (carrier) forwarded a "Carrier's Response to Claimant's Request for Appellate Review," dated May 6, 2002, and received on May 9, 2002, by the Texas Workers' Compensation Commission's (Commission) Chief Clerk of Proceedings. Notes in the appeal file indicate that the carrier forwarded a copy of the claimant's request for review to the Commission; the document was received at the Commission on May 14, 2002. The claimant's appeal states her disagreement with the hearing officer's determinations. The carrier's response urges affirmance.

DECISION

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

Commission records show that the decision was mailed to the parties on March 28, 2002. In accordance with Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), the claimant is deemed to have received the decision on April 2, 2002. Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202(d) 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. Fifteen days from the claimant's deemed receipt of the hearing officer's decision would have been April 23, 2002. The claimant's appeal was not received by the Commission and the Commission only became aware of the appeal by the claimant when the carrier responded to the claimant's appeal, and later forwarded a copy of the appeal which was received on May 14, 2002. The claimant's appeal was not timely filed.

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 **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**WILLIAM PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231.**

Michael B. McShane
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge