

APPEAL NO. 021235  
FILED JUNE 18, 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 11, 2001. The Appeals Panel remanded the decision back to the hearing officer for specific findings, and the new decision was signed by the hearing officer on April 5, 2002. The hearing officer decided that the appellant (claimant) had not sustained a repetitive trauma injury, and the date on which she knew or should have known that her claimed injury may be related to her employment was \_\_\_\_\_. The claimant has appealed, and the respondent (carrier) responds that the decision should be affirmed.

DECISION

A timely appeal not having been filed with the Texas Workers' Compensation Commission (Commission), the decision of the hearing officer has become final.

The decision of the hearing officer was distributed on April 10, 2002. Pursuant to TEX. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), the claimant is deemed to have received this decision on April 15, 2002. The appeal was due, in accordance with amended Section 410.202, to be filed by May 6, 2002. Although the appeal was dated May 3, and the carrier received its copy May 6, there is no record of the Commission receiving a copy of the appeal until May 16, 2002, by facsimile transmission. Even though the claimant attached some evidence that the appeal may have been certifiably mailed to the Commission, there is no post office stamp on the copy of the receipt, and no signed "green card" from the Commission included with the May 16, 2002, appeal. Therefore, no timely appeal was filed with the Commission, and by operation of Section 410.169, the hearing officer's decision has become final.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

---

Susan M. Kelley  
Appeals Judge

CONCUR:

---

Philip F. O'Neill  
Appeals Judge

---

Robert W. Potts  
Appeals Judge