

APPEAL NO. 021858  
FILED AUGUST 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 May 28, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on \_\_\_\_\_, and that he did not have disability.

The claimant appeals, contending that he sustained a compensable injury and had disability. The respondent (carrier) filed an appeal conditioned on the claimant filing a timely appeal.

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 decision of the hearing officer was mailed to the claimant on June 5, 2002, under a cover letter of the same date. The claimant, in his appeal, states that he received the hearing officer's decision and order on June 10, 2002. A written request for review must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in the Texas Government Code. Section 410.202(a) and (d). Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)) provides that a request for review shall be presumed to be timely filed if it is mailed not later than the 15th day after the date of receipt of the hearing officer's decision and is received by the Commission not later than the 20th day after the date of receipt of the hearing officer's decision. Both portions of Rule 143.3(c) must be complied with for an appeal to be timely filed. Texas Workers' Compensation Commission Appeal No. 94065, decided March 1, 1994. The last date for the claimant to timely file an appeal was July 2, 2002. One envelope accompanying the claimant's appeal is postmarked June 28, 2002; however, that envelope was addressed to the Commission using a wrong address with an incorrect zip code and was returned to the claimant as "not deliverable as addressed." The appeal was readdressed, and a second envelope is postmarked July 18, 2002, and is stamped received by the Commission's Chief Clerk of Proceedings on July 22, 2002. The appeal having been mailed to the correct address after July 2, 2002, is untimely.

No timely appeal having been received from the claimant, the carrier's conditional appeal is not considered.

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 GUARANTY & LIABILITY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Robert W. Potts  
Appeals Judge