

APPEAL NO. 021909
FILED SEPTEMBER 16, 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 June 21, 2002. The hearing officer determined that (1) the appellant (claimant) did not sustain a compensable injury on _____; (2) the claimant did not have disability; and (3) the respondent (self-insured) is not relieved from liability under Section 409.002, because the claimant timely notified his employer of an injury pursuant to Section 409.001. The claimant appeals the injury and disability determinations on sufficiency grounds and asserts that the hearing officer erred in denying the request to add the issue of carrier waiver pursuant to Continental Casualty Company v. Downs, No. 00-1309 (Tex. June 6, 2002). The self-insured did not file a response.

DECISION

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

Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), the hearing officer's decision is deemed to have been received by the claimant five days after the date the decision was mailed by the Texas Workers' Compensation Commission (Commission). A written request for appeal 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). Commission records indicate that the hearing officer's decision was mailed to the claimant on June 26, 2002. The claimant was deemed to have received the decision on July 1, 2002. Rule 102.5(d). The last date for the claimant to timely file an appeal was July 23, 2001. The appeal indicates that it was sent on July 24, 2002, one day after the 15-day deadline. The 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 has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

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

Judy L. S. Barnes
Appeals Judge

CONCUR:

Philip F. O'Neill
Appeals Judge

Robert W. Potts
Appeals Judge