

APPEAL NO. 022332
FILED NOVEMBER 6, 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 August 6, 2002. The hearing officer determined that the compensable injury of the appellant (claimant) does not include a cervical strain in addition to the left wrist and elbow. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

Claimant did not file her appeal timely. Therefore, the hearing officer's decision and order have become final pursuant to Section 410.169.

Pursuant to Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)), 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. Claimant, in her appeal, does not state what date she received the hearing officer's decision. Pursuant to Rule 102.5(d), claimant was deemed to have received the hearing officer's decision on August 18, 2002, five days after it was mailed.

Section 410.202(a) provides that a request for appeal shall be filed not later than the 15th day after the date on which the hearing officer's decision was received. Section 410.202 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. Section 410.202(d). Claimant had 15 days from August 18, 2002, or until September 10, 2002, to file her request for review to the Texas Workers' Compensation Commission (Commission). It appears that claimant's appeal was sent to the Commission by mail on September 12, 2002, and received September 17, 2002. The appeal is 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.

According to information provided by carrier, the true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge