

APPEAL NO. 022569  
FILED NOVEMBER 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 September 4, 2002. The hearing officer determined that the compensable injury of the respondent (claimant) extends to a symptomatic plica in her right knee and that she had continuing disability from February 26, 2002, through the date of the hearing. Appellant (carrier) appealed these determinations on sufficiency grounds and also contends that the hearing officer exhibited bias and improperly admitted certain evidence. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

The hearing officer's decision has become final pursuant to Section 410.169, because the carrier's appeal was not timely filed with the Texas Workers' Compensation Commission (Commission).

The applicable law governing this case, Section 410.202 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)), requires that 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 and received by the Commission not later than the 20th day after the date of receipt of the hearing officer's decision. A party who wishes to appeal the decision and order must file a request for review not later than 15 days after the date on which the decision is received from the Commission's Division of Hearings, pursuant to Section 410.202, which was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. Records of the Commission show that the carrier received the hearing officer's decision on September 12, 2002. Under Rule 156.1(c), notice to the carrier's Austin representative is notice to the carrier. The last date for the carrier to timely file an appeal was October 4, 2002. There is no postmark for carrier's appeal, but the appeal itself is dated October 7, 2002. There is a postage meter stamp on the envelope dated October 7, 2002. The appeal is file stamped as being received on October 9, 2002. Therefore, 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 **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN  
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300  
IRVING, TEXAS 75063.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge