

APPEAL NO. 022843
FILED DECEMBER 9, 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 18, 2002. The hearing officer determined that the appellant (claimant herein) did not sustain a compensable injury on _____. The claimant appeals, contending that this decision was contrary to the evidence. The respondent (carrier herein) replies that sufficient evidence supports the hearing officer's decision.

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 Section 662.003 of 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 September 23, 2002; the claimant was deemed to have received the decision on September 28, 2002. The last date for the claimant to timely file an appeal was October 18, 2002. The appeal was apparently mailed to the Commission on October 12, 2002, but was returned to the claimant for insufficient postage. It was then remailed after the due date (on November 5, 2002) and was stamped received by the Commission on November 8, 2002. Therefore, the appeal is untimely. See Texas Workers' Compensation Commission Appeal No. 021590, decided July 23, 2002.

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 CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is:

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Robert W. Potts
Appeals Judge