

APPEAL NO. 030296
FILED MARCH 18, 2003

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 January 30, 2003. With respect to the issues before him, the hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury with a date of _____, and that the claimant did not have disability.

DECISION

The hearing officer's decision has become final under Section 410.169 because a timely appeal has not been filed with the Texas Workers' Compensation Commission (Commission).

Section 410.202(c) provides, "A request for appeal or a response must clearly and concisely rebut or support the decision of the hearing officer on each issue on which review is sought." See *also* Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE §143.3(a)(2).

On February 10, 2003, the claimant filed with the Commission the blue information brochure published by the Commission entitled "Review of Claims Disputes by the Commission's Appeals Panel" (brochure) and signed the brochure in the sample certificate of service contained in that brochure. The Appeals Panel has held that the filing of that brochure with the Commission is insufficient to constitute a request for appeal because it does not tell us how or why a claimant disagrees with a hearing officer's decision. See *Texas Workers' Compensation Commission Appeal No. 94973*, decided September 1, 1994. In *Appeal No. 94973*, the Appeals Panel explained that we have generally held that a simple written statement from an unrepresented claimant that he or she thinks that the hearing officer was wrong and does not agree with the decision will be interpreted as a challenge to the sufficiency of the evidence, but that even those minimal filings we have accepted as appeals indicated disagreement with the hearing officer's decision. As was the case in *Appeal No. 94973*, the claimant's filing of the brochure in the instant case did not state the grounds upon which review was requested nor indicate disagreement with any portion of the hearing officer's decision. See *also* *Texas Workers' Compensation Commission Appeal No. 000452*, decided April 13, 2000, and *Texas Workers' Compensation Commission Appeal No. 002385*, decided December 1, 2000, both of which held that the filing of the brochure was insufficient to constitute an appeal.

The last day for the claimant to have filed a timely and sufficient appeal with the Commission under Section 410.202, as amended June 17, 2001, was March 3, 2003. The filing of the brochure on February 10, 2003, did not constitute the filing of a sufficient appeal and the time for filing an appeal has expired. Thus, the decision and order of the hearing officer have become final under Section 410.169.

The true corporate name of the insurance carrier is **ROYAL INSURANCE COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
COMMODORE ONE
800 BRAZOS
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Roy L. Warren
Appeals Judgess