

APPEAL NO. 030415
FILED APRIL 3, 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 December 16, 2002. The hearing officer determined the appellant's (claimant) compensable injury of _____, does not include an injury to the right shoulder. The claimant appeals and there is no response from the respondent (carrier) contained in our file.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

The claimant indicates in his appeal that he received a copy of the hearing officer's decision on "January 27, 2003." Pursuant to Section 410.202(a) and (d), for an appeal to be considered timely, it must be filed or mailed within 15 days, excluding Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code, of the date of receipt of the hearing officer's decision. Applying Section 410.202, the deadline for the claimant to file an appeal was Tuesday, February 18, 2003. The envelope containing the claimant's appeal reflects that it was mailed on February 19, 2003, and is, therefore, untimely. The claimant also faxed his appeal on February 19, 2003 and the Texas Worker's Compensation Commission received the facsimile transmission on February 19, 2003. Therefore, the facsimile was not a timely appeal either.

The claimant's appeal being untimely, the decision of the hearing officer has become final. Section 410.169.

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

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Roy L. Warren
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge