

APPEAL NO. 030648  
FILED APRIL 30, 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 February 12, 2003. The hearing officer determined that respondent (claimant) is not entitled to supplemental income benefits (SIBs) for the fifth quarter, but that she is entitled to SIBs for the sixth quarter. Appellant (carrier) appealed only the determinations regarding the award of sixth quarter SIBs. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) indicate that the decision of the hearing officer was received by the carrier's representative on February 18, 2003. As provided in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 156.1(c) (Rule 156.1(c)), "[a]ny notice from the Commission, sent to the designated representative's address, is notice from the Commission to the insurance carrier." Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202(d) 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. Fifteen days from the carrier's receipt of the hearing officer's decision would have been Tuesday, March 11, 2003. The certificate of service in the appeal states that the appeal was sent March 13, 2003. The carrier's appeal was received by the Commission via facsimile transmission on March 13, 2003, and by mail on March 14, 2003, and therefore, was not timely filed.<sup>1</sup>

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<sup>1</sup> The appeal was apparently mailed on March 13, 2003.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final under Section 410.169.

According to information provided by carrier, the true corporate name of the insurance carrier is **HEALTHSOUTH CORPORATION** and the name and address of its registered agent for service of process is

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

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Roy L. Warren  
Appeals Judge