

APPEAL NO. 030698
FILED APRIL 22, 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 4, 2003. The hearing officer resolved the disputed issue by determining that the appellant's (claimant) _____, compensable injury does not include reflex sympathetic dystrophy. The claimant appeals this decision. The respondent (carrier) responds, urging that the claimant has not filed a timely appeal and, therefore, that the Appeals Panel lacks jurisdiction to consider the appeal. In the alternative, the carrier urges affirmance.

DECISION

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

Records of the Texas Workers' Compensation Commission (Commission) reflect that the hearing officer's decision was mailed to the claimant on February 10, 2003. Pursuant to Section 410.202(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)), for an appeal to be considered timely, it must be filed or mailed within 15 days and received by the Commission within 20 days, exclusive of 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 Rule 102.5(d) and Section 410.202, the claimant was deemed to have received the hearing officer's decision on February 15, 2003, and the deadline for the claimant to file an appeal was March 10, 2003. The envelope containing the claimant's appeal reflects that it was mailed on March 18, 2003, and it was received by the Commission on March 20, 2003. Because the claimant's appeal was neither timely filed nor received by the Commission, the hearing officer's decision and order have become final pursuant to Section 410.169 and Rule 142.16(f).

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.**

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge