

APPEAL NO. 030977
FILED JUNE 9, 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 March 25, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) did not sustain a compensable injury in the form of an occupational disease, as the injury was not timely reported to her employer; that the date of injury is _____; that the claimant did not have disability because she did not sustain a compensable injury; and that the appellant (carrier) is relieved of liability under Section 409.002 because of the claimant's failure to timely notify her employer pursuant to Section 409.001. The carrier appealed the finding that the claimant sustained an injury to her right shoulder in the course and scope of her employment as a result of her repetitious, physically traumatic activities which she performed with her right shoulder/arm over the course of time. However, the carrier's appeal was conditioned upon an appeal by the claimant. The appeal file does not contain either a response or an appeal from the claimant.

DECISION

Finding that the carrier's appeal was conditioned upon the filing of an appeal by the claimant and that the claimant has not filed an appeal, we dismiss the carrier's appeal and determine that the decision and order of the hearing officer have become final pursuant to Section 410.169.

The carrier, in its appeal, requests that the appeal be considered only if the claimant files an appeal. Since the claimant has failed to do so, the condition on which the carrier's appeal is based has not been met and the carrier's appeal is dismissed.

The claimant having not filed a timely appeal, the conditional appeal of the carrier is dismissed. The decision and order of the hearing officer have become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **AMCOMP ASSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS STREET, SUITE 330
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge