

APPEAL NO. 031162
FILED JUNE 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 March 12, 2003. The hearing officer determined that, because appellant (claimant) failed to appear and pursue her dispute of attorney's fees (for claimant's attorney), attorney's fees in the amount of \$275.00 are reasonable and necessary. Claimant appealed, asserting that she was told that she did not have to come to the hearing, that her attorney also did not appear, and that she was "stressed out and in pain." The file does not contain a response from respondent 2 (carrier) or from respondent 1 (attorney).

DECISION

Claimant's appeal was not timely filed. Thus, it did not invoke the jurisdiction of the Appeals Panel and the hearing officer's decision and order have become final pursuant to Section 410.169.

We note that Section 410.202 was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal period. In this instance, the hearing officer's decision and order was mailed to claimant on April 4, 2003. Claimant did not state when she received a copy of the hearing officer's decision, but is deemed to have received it on April 9, 2003. Based on that date of receipt, the 15-day deadline for mailing the appeal was May 2, 2003. The envelope indicates that the appeal was not mailed until May 5, 2003, after the due date for the appeal, and so was also received by the Texas Workers' Compensation Commission after the due date.

Because claimant did not timely file her request for review, the request for review did not properly invoke the Appeals Panel's jurisdiction. The hearing officer's decision and order became final pursuant to Section 410.169 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16(f) (Rule 142.16(f)).

According to information provided by carrier, the true corporate name of the insurance carrier is **TEXAS POLITICAL SUBDIVISIONS JOINT SELF INSURANCE FUNDS** and the name and address of its registered agent for service of process is

**STEVE WILSON, CLAIMS MANAGER
TEXAS POLITICAL SUBDIVISIONS
12850 SPURLING ROAD, SUITE 210
DALLAS, TEXAS 75230.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge