

APPEAL NO. 032069  
FILED SEPTEMBER 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 July 9, 2003. The hearing officer determined that the compensable injury of \_\_\_\_\_ includes an injury to the respondent's (claimant) cervical spine, specifically nonunion of an anterior fusion at C6-7. The appellant (carrier) appealed, arguing that the hearing officer's extent-of-injury determination is against the great weight and preponderance of the evidence. The claimant responded, urging 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.

Despite the carrier's statement to the contrary in its appeal, records of the Texas Workers' Compensation Commission (Commission) reflect that a copy of the hearing officer's decision was received by the carrier's representative on July 14, 2003. Pursuant to Section 410.202(a), 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. In the present case, the deadline for the carrier to file an appeal was August 4, 2003. The envelope containing the carrier's appeal indicates that it was mailed on August 5, 2003, the same date upon which a facsimile transmission of the appeal was received by the Commission, and was, therefore, not timely filed.

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

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

**DONALD GENE SOUTHWELL  
10000 N. CENTRAL EXPRESSWAY  
DALLAS, TEXAS 75265.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge