

APPEAL NO. 032242  
FILED OCTOBER 7, 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 (CCH) was held on March 24, 2003. In Texas Workers' Compensation Commission Appeal No. 030993, decided June 16, 2003, the Appeals Panel remanded the case for the hearing officer to clarify certain inconsistencies between her Findings of Fact and Conclusions of Law and to clarify whether a certain medical record was considered. The hearing officer acknowledged the remand and stated that no CCH after remand was convened. The hearing officer issued a new decision on remand determining that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not extend to include the right wrist; that the claimant did not sustain a compensable injury in the form of an occupational disease in (Docket No. 2), with a date of injury of (subsequent date of injury); and that the claimant did not have disability in Docket No. 2.

The claimant appeals the hearing officer's determinations on a sufficiency of the evidence basis. Respondent 1 (carrier 1) responds, asserting that the claimant's appeal is untimely and otherwise urging affirmance. The file does not contain a response from Respondent 2 (carrier 2).

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) show that the decision of the hearing officer was mailed to the claimant on July 28, 2003, under a cover letter of the same date. The claimant does not indicate when he received a copy of the hearing officer's decision. Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), as amended August 29, 1999, unless the great weight of the evidence indicates otherwise, the claimant is deemed to have received the hearing officer's decision five days after it was mailed, or in this case on August 2, 2003.

Section 410.202(a) provides that a written request for review must be filed within 15 days of the date of receipt of the hearing officer's decision. 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 from the computation of the time in which to file an appeal. Section 410.202(d). With the deemed date of receipt of August 2, 2003, using the calculations of Section 410.202(d), the last date for the claimant's appeal to have been timely mailed or filed was Friday, August 22, 2003.

The claimant's appeal was sent by facsimile transmission dated August 25, 2003, (at 4:56 p.m.) and was date stamped received by the Commission on August 25, 2003. The claimant's appeal having been filed after August 22, 2003, is therefore untimely.

The claimant's appeal being untimely, the decision and order of the hearing officer has become final. Section 410.169.

The true corporate name of insurance carrier 1 is **CENTRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

The true corporate name of insurance carrier 2 is **TRANSPORTATION INSURANCE COMPANY** 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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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Edward Vilano  
Appeals Judge