

APPEAL NO. 033339
FILED FEBRUARY 17, 2004

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 November 12, 2003. The record closed on November 13, 2003. The hearing officer determined that appellant (claimant) did not sustain a compensable injury and that he did not have disability. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

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.

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 distributed to the parties on November 25, 2003. In the request for review, claimant stated that he received a copy of the hearing officer's decision on December 1, 2003. However, the deemed date of receipt was November 30, 2003. Based on that deemed date of receipt, the 15-day deadline for mailing the appeal was Friday, December 19, 2003. The mailing envelope indicates that the appeal was not mailed to the Texas Workers' Compensation Commission until December 22, 2003. The appeal was not timely. We note that, even if the appeal had been timely filed, the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Because claimant did not timely file his 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 **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
1021 MAIN STREET
HOUSTON, TEXAS 77002.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge