

APPEAL NO. 040301
FILED APRIL 2, 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 January 12, 2004. With respect to the issues before him, the hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that he had disability, as a result of his compensable injury, from August 15, 2003, through the date of the hearing. In its appeal, the appellant (carrier) challenges each of those determinations as being against the great weight of the evidence. The appeal file does not contain a response to the carrier's appeal from the claimant.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

In its appeal, the carrier asserts that it received a copy of the hearing officer's decision on January 23, 2004. However, records of the Texas Workers' Compensation Commission (Commission) indicate that the carrier's representative acknowledged receipt of the hearing officer's decision on January 20, 2004. As provided in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 156.1(c) (Rule 156.1(c)), "[a]ny notice from the Commission, sent to the designated representative's Austin address, is notice from the Commission to the insurance carrier." Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202(d) 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 time in which to file an appeal. In this instance, 15 days from the carrier's receipt of the hearing officer's decision was February 10, 2004. The carrier's appeal was sent by facsimile transmission and was also sent by certified mail on February 11, 2004, one day late. Thus, the appeal was 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 **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Veronica L. Ruberto
Appeals Judge