

APPEAL NO. 040312
FILED APRIL 7, 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 7, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and had disability from July 8 until August 23, 2003. The appellant (self-insured) appealed, arguing that the determination that the claimant's injury was compensable is contrary to well-established Texas law and should be reversed. The appeal file did not contain a response 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.

Records of the Texas Workers' Compensation Commission (Commission) show that the decision of the hearing officer was received by the self-insured's representative on January 14, 2004. The self-insured states in its request for review that it received this decision on January 20, 2004.

Under Section 410.202(a), an appeal, to be timely 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.

Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 156.1 (Rule 156.1), a carrier shall designate a representative to act as its agent for receiving notice from the Commission, and any notice to the representative of the carrier is notice from the Commission to the carrier. See Texas Workers' Compensation Commission Appeal No. 010406, decided April 1, 2001, and Texas Workers' Compensation Commission Appeal No. 93327, decided June 3, 1993. Therefore, we count the self-insured's 15-day period to file or mail its request for review from January 14, 2004.

The last day for the self-insured to file a timely appeal would have been Thursday, February 5, 2004. The self-insured sent its request for review to the Commission by U.S. mail. The envelope containing the self-insured's appeal is postmarked February 9, 2004. The self-insured's appeal is untimely, having been sent after the 15-day deadline set out by Rule 143.3(c).

The self-insured's appeal being untimely, the decision and order of the hearing officer have become final. Section 410.169.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**CITY SECRETARY
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Margaret L. Turner
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge