

APPEAL NO. 041653  
FILED AUGUST 26, 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 (CCH) was held on June 2, 2004. The hearing officer determined that on \_\_\_\_\_, the respondent (claimant) sustained a compensable injury in the form of an occupational disease, and that the claimant had disability beginning on April 19, 2003, and continuing through the date of the CCH. The appellant (carrier) appealed the hearing officer's determinations based on sufficiency of the evidence grounds.

DECISION

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

Section 410.202 and TEX. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) Rule 143.3(c) require that an appeal, to be timely, must be filed or mailed not later than the 15th day after the date of receipt of the hearing officer's decision and received by the Texas Workers' Compensation Commission (Commission) not later than the 20th day after the date of receipt of the hearing officer's decision. Both portions of Rule 143.3(c) must be complied with in order for an appeal to be timely. Texas Workers' Compensation Commission Appeal No. 002018, decided September 20, 2000. Section 410.202 was amended June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in Section 662.003 of the Texas Government Code in computation of the 15-day appeal period.

Records of the Commission show that the decision of the hearing officer was distributed to the parties on June 15, 2004, under a cover letter of the same date. In its appeal, the carrier states that it received the hearing officer's Decision and Order on June 18, 2004. However, records of the Commission show that the decision was signed for by the carrier's Austin representative on June 15, 2004. Under Rule 156.1(c), notice to the carrier's Austin representative is notice to the carrier. Therefore, the carrier received the hearing officer's decision on June 15, 2004, when its Austin representative received it. The request for review would have to be filed by Tuesday, July 6, 2004. The carrier's appeal was hand-delivered to the Commission on July 9, 2004, and date stamped that same date, therefore the appeal is not timely.

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 **ROYAL INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

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

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Veronica L. Ruberto  
Appeals Judge

CONCUR:

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Daniel R. Barry  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge