

APPEAL NO. 042546  
FILED NOVEMBER 8, 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 September 3, 2004. The hearing officer determined that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the 13th and 14th quarters.

The claimant appealed, contending that the hearing officer's decision was not supported by the evidence. The respondent (self-insured) responds, urging affirmance.

DECISION

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

Pursuant to Section 410.202(a), a written request for appeal 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 time in which to file an appeal. Section 410.202(d).

Records of the Texas Workers' Compensation Commission (Commission) indicate that the hearing officer's decision was mailed to the claimant on September 16, 2004. The claimant states in his request for review that he received the hearing officer's decision on September 20, 2004. Calculation of 15 days from the date of receipt of the hearing officer's decision pursuant to Section 410.202 is October 11, 2004. The claimant filed his appeal by facsimile transmission on October 12, 2004, and was received by the Commission on that date. In that the claimant's appeal needed to be filed by October 11, 2004, the 15th day after the claimant received the hearing officer's decision, the claimant's appeal is untimely having been filed after October 11, 2004.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision is final pursuant to 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

**SUPERINTENDENT  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE)**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge