

APPEAL NO. 980275  
FILED MARCH 27, 1998

Following a contested case hearing held in (City), Texas, on November 18, 1997, pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act), the hearing officer, resolved the disputed issue by determining that the appellant (claimant) reached maximum medical improvement (MMI) on October 15, 1995, and that her impairment rating (IR) is 10%. Claimant appeals contending that the great weight of the evidence is contrary to the hearing officer's decision. The file does not contain a response from the respondent (carrier).

DECISION

The claimant's appeal was not timely filed. Thus, it did not invoke the jurisdiction of the Appeals Panel. Therefore, the hearing officer's decision and order have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) show that the hearing officer's decision was mailed to the claimant on December 10, 1997, with a cover letter dated December 10, 1997. Claimant's request for review indicates that she received the hearing officer's decision and order on December 12, 1997. A request for review is timely if it is mailed on or before the 15th day after the date of receipt of the hearing officer's decision and if it is received by the Commission not later than the 20th day after the date of receipt of the decision. Rule 143.3(c). In this instance, the 15th day after the date of receipt was Saturday, December 27, 1997. Claimant's request for review was mailed to the Appeals Panel on February 9, 1998, which was well beyond the fifteenth day following the date of receipt of the hearing officer's decision. Therefore, the appeal is untimely.

Because claimant did not timely file her request for review, the request for review did not properly invoke the Appeals Panel's jurisdiction. Accordingly, the hearing officer's decision and order became final pursuant to Section 410.169 and Rule 142.16(f).

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Judy L. Stephens  
Appeals Judge

CONCUR:

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Stark O. Sanders, Jr.  
Appeals Judge

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Philip O'Neill  
Appeals Judge