

APPEAL NO. 033001
FILED DECEMBER 3, 2003

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 18, 2003. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits for the sixth quarter. The claimant appeals this determination on sufficiency of the evidence grounds. The respondent (carrier) urges affirmance.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

A written request for appeal must be filed with the Texas Workers' Compensation Commission (Commission) within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in the Texas Government Code. Section 410.202(a) and (d). In his appeal, the claimant states that he received the hearing officer's decision on September 25, 2003. The last date for the claimant to timely file an appeal was October 17, 2003. The certificate of service indicates that the appeal was sent to the carrier by certified mail on October 13, 2003. The appeal does not indicate that it was sent to the Commission. Indeed, our records show that the appeal was not received by Commission until forwarded by the carrier on November 18, 2003. The appeal is, therefore, untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to 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 SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge