

APPEAL NO. 221345  
FILED SEPTEMBER 30, 2022

The administrative law judge's (ALJ) decision has become final under Labor Code § 410.169 because a timely appeal has not been filed with the Texas Department of Insurance, Division of Workers' Compensation (Division).

Section 410.202(c) provides, "A request for appeal or a response must clearly and concisely rebut or support the decision of the [ALJ] on each issue on which review is sought." See *also* 28 Tex. Admin. Code § 143.3(a)(2) (Rule 143.3(a)(2)).

On August 4, 2022, the appellant (claimant) filed with the Division a fax cover sheet that identified 9 pages were being sent along with the transmittal letter, a copy of the decision and order in (Docket No.), and a document titled "You Have the Right to Appeal this Decision." In a similar case the Appeals Panel held that the filing of an "Appeal Rights and Procedures" (brochure) is insufficient to constitute a request for appeal because it does not specify how or why a party disagrees with an ALJ's decision. See Appeals Panel Decision (APD) 160575, decided May 31, 2016. In APD 94973, decided September 1, 1994, the Appeals Panel explained that we have generally held that a simple written statement from an unrepresented claimant that he or she thinks the ALJ was wrong and does not agree with the decision will be interpreted as a challenge to the sufficiency of the evidence, but that even those minimal filings we have accepted as appeals indicated disagreement with the ALJ's decision. The filing of the claimant in the instant case did not state the grounds upon which review was requested nor indicate disagreement with any portion of the ALJ's decision. See *also* APD 000452, decided April 13, 2000; APD 002385, decided December 1, 2000; and APD 030296, decided March 18, 2003; all of which held that the filing of the brochure was insufficient to constitute an appeal.

The last day for the claimant to have filed a timely and sufficient appeal with the Division under Section 410.202, as amended June 17, 2001, was August 22, 2022. Although timely submitted, the filing of the copy of the decision and order along with the appeal rights document on August 4, 2022, did not constitute the filing of a sufficient appeal and the time for filing an appeal has expired. Thus, the decision and order have become final under Section 410.169.

The true corporate name of the insurance carrier is **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Cristina Beceiro  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge