

- SUBJECT:** Time frame for filing an appeal of a workers' compensation appeal
- COMMITTEE:** Business and Industry — favorable, without amendment
- VOTE:** 9 ayes — Brimer, Dukes, Corte, George, Giddings, Ritter, Siebert, Solomons, Woolley  
0 nays
- WITNESSES:** For — Tom Ragland  
Against — None
- BACKGROUND:** Under the Labor Code, insurance carriers can dispute an injured worker's right to benefits in a benefit review conference, a contested case hearing, or an arbitration process. To appeal the decision of a hearing officer, either party can request an appeal from an appeals panel within 15 days of receiving the hearing officer's decision. The party requesting the appeal also must serve a copy of the request to the other party within that period.  
  
The person served with the appeal request must file a response with the appeals panel within 15 days of receiving the request and must deliver a copy of the response to the appellant within that period.
- DIGEST:** HB 3497 would exclude Saturdays, Sundays, and national and state holidays from computation of the time frame for filing a request or for responding to a request for an administrative appeal of a workers' compensation case hearing decision. It would allow the Texas Workers' Compensation Commission (TWCC) to adopt rules for extending the time required to file a request for appeal if the person seeking the extension showed good cause.  
  
The bill would take effect September 1, 1999, and would apply only to a request for an appeal filed after that date.
- SUPPORTERS SAY:** TWCC should have authority to grant an extension to someone requesting an administrative appeal hearing, and HB 3497 would provide that authority. The time now allowed to prepare an appeal is 15 days, including weekends and holidays. Current law does not explicitly allow TWCC to exclude

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weekends or holidays, nor does it allow the agency to consider extenuating circumstances. Some have noted that the Supreme Court will grant an extension for filing a brief, but the Texas Workers' Compensation Commission will not.

OPPONENTS  
SAY:

No apparent opposition.