

Flathers v Texas Department of Public
7th Court of Appeals - Amarillo
July 20, 2007 - 07-07-0142-CV
Opinion By: Justice Pirtle

Request For Findings Did Not Extend The Appellate Timetable.

On 11/15/06, an administrative hearing was held on P's contest to the Texas Dept. of Public Safety's order to suspend his driver's license. The administrative law judge issued an order authorizing the Dept. to suspend P's license, & P appealed to the county court at law. Sitting in an appellate capacity, the court conducted a hearing & decided that the ALJ had not abused his discretion in ordering suspension. That court's judgment was signed 2/2/07. P filed a request for findings of fact & conclusions of law & did not file a notice of appeal until 4/9/07, 66 days after judgment was signed. The Dept. moved for dismissal. Held: Appeal dismissed. P's notice of appeal was not timely filed. Where (as in the county court at law in this action) judgment is rendered as a matter of law, a party is not entitled to findings and conclusions. Because there was no factual dispute presented to the trial court, P's request for findings of fact & conclusions of law could not have properly been considered & thus did not extend the time in which to file his notice of appeal.