APPEAL NO. 020171
FILED MARCH 11, 2002

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 December 19, 2001. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the course and scope of her employment when she was involved in a motor vehicle accident (MVA) on _____, and that she had disability resulting from the compensable injury for the period beginning on _____, and continuing through May 29, 2001. The appellant (carrier) has appealed, contending that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong and unjust, and that the hearing officer misapplied the law to the facts. The claimant did not file a response.

DECISION

Affirmed.

The 1989 Act defines compensable injury and course and scope of employment. Compensable injury is defined as an injury that arises out of and in the course and scope of employment. Section 401.011(10). Section 401.011(12) defines course and scope of employment as an activity of any kind and character that has to do with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in or about the furtherance of the affairs or business of the employer. The burden is on the claimant to prove by a preponderance of the evidence that an injury occurred in the course and scope of employment. Texas Workers' Compensation Commission Appeal No. 91028, decided October 23, 1991. Unless the evidence is such that only one conclusion can reasonably be drawn from it, the question of deviation from the course and scope of employment is one of fact to be determined by the hearing officer. Texas Workers' Compensation Commission Appeal No. 91015, decided September 18, 1991.

The claimant testified that on _____, while en route to deliver auto parts to a customer's place of business in the employer's vehicle, she noticed she did not have her driver's license and decided to stop at her house, which was on the way, to get the license. She said she went into the house, got her driver's license, got back into the company vehicle, and that as she was backing out of her driveway another vehicle struck the rear portion of her vehicle. The parties do not dispute how the injury occurred. At issue is whether the claimant had deviated from the course and scope of her employment at the time of the MVA. Urging reversal, the carrier cites Texas Workers' Compensation Commission Appeal No. 950057, decided February 24, 1995, in support of its argument that the claimant had deviated from her course and scope of employment by returning home to get her driver's license.

We will uphold the decision of a hearing officer if it can be sustained on any reasonable basis supported by the evidence. Daylin v. Juarez, 766 .S.W.2d 347, 353 (Tex. App.-El Paso 1989, writ denied); Texas Workers' Compensation Commission Appeal No. 950791, decided July 3. 1995. We affirm the decision under the "dual purpose" doctrine (Section 401.011(12)(B)) as it was undisputed that the travel to the place of the injury would have been made even had there been no personal or private affairs of the claimant to be furthered and the travel would not have been made had there been no business of the employer to be furthered.

The true corporate name of the insurance carrier is **CASUALTY RECIPROCAL EXCHANGE** and the name and address of its registered agent for service of process is

FRED STRADLEY
9330 LBJ FREEWAY
SUITE 1400
DALLAS, TEXAS 75243.

Philip F. O'Neill
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Robert W. Potts
Appeals Judge