

APPEAL NO. 021238
FILED JUNE 20, 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 May 1, 2002. The appellant (claimant) appeals the hearing officer's determinations that the claimant was not injured in the course and scope of his employment when he was involved in a motor vehicle accident on _____, and that he did not have disability from a compensable injury. The respondent (carrier) responds urging affirmance.

DECISION

Affirmed.

The claimant went to work on _____, but was rained out. He was injured in a motor vehicle accident while in route to a different site to pick up his weekly paycheck.

An employer may direct an employee to begin work (or the work may end) at a different location other than the normal work location without thereby creating a "special mission." Texas Workers' Compensation Commission Appeal No. 020211, decided March 13, 2002. The critical question in this case is whether the claimant was directed to go to the employer's other site to pick up his paycheck. See Texas Workers' Compensation Appeal Panel No. 020211, decided March 13, 2002, citing Evans v. Illinois Employers Ins. of Wausau, 790 S.W.2d 302 (Tex. 1990). There was conflicting evidence on that issue. The hearing officer resolved the conflicts in the evidence against the claimant and determined that the claimant had not been directed by the employer to go to the other site to pick up his check. The hearing officer was acting within his province as the fact finder in so resolving the conflicts in the evidence. We cannot say that the hearing officer erred in applying the law or that his decision was so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

In that we are affirming the hearing officer's decision that the claimant was not in the course and scope of his employment, the claimant cannot, by definition in Section 401.011(16), have disability.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Roy L. Warren
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Philip F. O'Neill
Appeals Judge