

APPEAL NO. 023164
FILED FEBRUARY 6, 2003

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 November 14, 2002. The hearing officer determined that respondent (claimant) sustained a compensable injury on _____, and had disability on May 20, 2002, May 21, 2002, and from May 30 to June 10, 2002. Appellant (carrier) appealed these determinations on sufficiency grounds, contending that claimant was not in the course and scope of her employment at the time of the injury. The file does not contain a response from claimant.

DECISION

We affirm.

The facts of this case are set forth in the hearing officer's decision and we will not repeat them here. In this case, the hearing officer reviewed the record and decided what facts were established. The hearing officer did not err in determining that claimant was in the course and scope of her employment and that the injury in this case is compensable. See Texas Workers' Compensation Commission Appeal No. 980133, decided March 6, 1998; Texas Workers' Compensation Commission Appeal No. 991282, decided July 28, 1999.

Texas Workers' Compensation Commission Appeal No. 010996, decided June 21, 2001, cited by carrier, is distinguishable because the employee in that case was merely traveling home after delivering mail to his office. Texas Workers' Compensation Commission Appeal No. 970317, decided April 9, 1997, Texas Workers' Compensation Commission Appeal No. 010578, decided April 25, 2001, and Texas Workers' Compensation Commission Appeal No. 020298, decided March 7, 2002, are distinguishable because travel was not an integral part of the injured employee's work. In the case before us, claimant worked out of her home and was directed to travel to patient's homes in order to do her work. Applying the provisions outlining the transportation exception to "course and scope of employment," it is clear from the evidence that the hearing officer could believe that claimant was traveling to the customer at the direction of the employer, within the exception in Section 401.011(12)(A)(iii) to the "coming and going" rule. We conclude that the hearing officer's determinations regarding compensability and disability are supported by the record and are not 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).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge