APPEAL NO. 031341
FILED JULY 8, 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 May 7, 2003. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that the claimant did not have disability. The disability issue has not been appealed.

The appellant (self-insured) appeals, asserting that the claimant was not in the course and scope of his employment at the time he was involved in a motor vehicle accident (MVA). The claimant responds, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant, a parks and recreation worker for the self-insured, normally worked from 2:30 p.m. to 6:30 p.m. The claimant testified that on _____, the day in question, he arrived at his place of employment at about 12:30 p.m. and began work early preparing his workday, reviewing paperwork, and planning activities. It is relatively undisputed that the claimant's supervisor came by and invited the claimant to go with him to the regional office. The supervisor was going on business and apparently knew that the claimant had been having problems concerning deductions from his pay for child support payments. The claimant went with the supervisor, and another employee, to the regional office in a "company" van where the three took care of their respective business and were returning to the field office (recreation center) when they were hit from behind. The MVA occurred at about 2:00 p.m.

The self-insured argues that the trip to the regional office and the MVA occurred prior to the claimant's normal duty hours, and that even if the claimant had begun work early (as found by the hearing officer), he deviated from the employment by going to the regional office to take care of a personal financial matter unrelated to his employment. The self-insured also argues that the "coming and going" rule of Section 401.011(12)(A) applies and that it was not the supervisor's intent that the claimant be "on the clock."

The hearing officer, in the discussion portion of his decision, commented that "[p]ay discrepancies are not matters that are personal to employees . . . ." We agree and decline to categorize pay matters into business (such as hours/overtime) and personal (deductions other than taxes). The hearing officer also commented that the claimant had already begun his work activities in furtherance of the employee's affairs "in a technical no pay status." That comment is supported by the evidence. We would further note that there was no evidence that the claimant had been told not to come to work early or that he was prohibited or precluded from working in a no pay status. The

fact that the supervisor invited the claimant to go with him to the regional office to attend to a pay matter does not, in our opinion, take the claimant out of the course and scope of his employment in a "no pay status."

We also agree with the hearing officer that neither the "coming and going" or access doctrine apply to this case. We have reviewed the complained-of determinations and conclude that the hearing officer's determinations are not legally incorrect or 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.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

SHIRLEY ACY
1500 MARILLA, 5D SOUTH
DALLAS, TEXAS 75201.

_____
Thomas A. Knapp
Appeals Judge

CONCUR:

_____
Judy L. S. Barnes
Appeals Judge

_____
Gary L. Kilgore
Appeals Judge