

APPEAL NO. 031446
FILED JULY 28, 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 12, 2003. The hearing officer determined that the employee (decedent) did not sustain a compensable injury resulting in her death, on _____. The appellant (claimant beneficiary) appeals, essentially asserting that the decedent was engaged in a "special mission" and her injuries are, therefore, compensable. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the decedent did not sustain a compensable injury on _____, resulting in her death. The general rule in workers' compensation law has been that an injury occurring through the use of the public streets or highways in going to and returning from the place of employment is noncompensable because not incurred in the course and scope of employment. American General Insurance Company v. Coleman, 157 Tex. 377, 303 S.W.2d 370 (1957); See also Section 401.011(12)(A). The rationale behind the rule is that injury incurred in such travel does not arise out of the person's employment, but rather occurs as a result of the dangers and risks to which all members of the traveling public are exposed. Janak v. Texas Employers' Insurance Association, 381 S.W.2d 176 (Tex. 1964). An exception to the general rule is contained in Section 401.011(12)(A)(iii), which provides, in pertinent part, that travel to and from the place of employment is covered if the employee is directed in the employee's employment to proceed from one place to another place, i.e. a "special mission." See Evans v. Illinois Employers Insurance of Wassau, 790 S.W.2d 302 (Tex. 1990). We have said that an employer may direct an employee to begin work at a different location other than the normal work location without thereby creating a "special mission." Texas Workers' Compensation Commission Appeal No. 010122, decided March 5, 2001. In view of the applicable law and the evidence presented, the hearing officer could determine that the decedent was not on a special mission but was injured while on her way to her first duty assignment of the day, albeit at a different location. Nothing in our review of the record indicates that the hearing officer's determinations are 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).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **THE TRAVELER'S INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST PAUL STREET
DALLAS, TEXAS 76114.**

Edward Vilano
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge