

APPEAL NO. 042489
FILED NOVEMBER 18, 2004

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 September 7, 2004. The hearing officer determined that the decedent did not sustain a fatal compensable injury on _____. Appellant (claimant beneficiary) appealed this determination, contending that the decedent was in the course and scope of his employment and furthering the affairs of the employer at the time of the motor vehicle accident (MVA). Respondent (carrier) responded that the hearing officer did not err in making his determinations.

DECISION

We affirm.

Claimant beneficiary contends that the hearing officer erred in determining that the decedent was not in the course and scope of his employment at the time of the MVA. The applicable law is set forth in Texas Workers' Compensation Commission Appeal No. 990949, decided June 17, 1999. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). The hearing officer reviewed the record and determined what facts were established. The hearing officer could find from the evidence that the decedent was not in the course and scope of his employment at the time of the MVA, and that the special mission exception does not apply. See Appeal No. 990949, *supra*. We conclude that the hearing officer's determinations are sufficiently 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 **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO MALO
1222 MERIT DRIVE SUITE 700
DALLAS, TX 75251.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica L. Ruberto
Appeals Judge