

APPEAL NO. 032164
FILED OCTOBER 3, 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 July 16, 2003. The hearing officer determined that (1) the respondent (claimant) sustained a compensable injury on _____; and (2) the claimant had disability from February 18 through April 2, 2003, but not from April 3, 2003, through the date of the hearing. The appellant (carrier) appeals these determinations, essentially asserting that the evidence does not support that the claimant was in the course and scope of her employment at the time of her injury under prior Appeals Panel decisions. The claimant did not file a response.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. As stated above, the carrier asserts that the claimant was not in the course and scope of her employment at the time of her injury, under prior Appeals Panel decisions, because she was on an unpaid lunch break and was performing a personal activity at the time of the injury. We note that the Appeals Panel has affirmed other determinations in which a claimant was held to have been in the course and scope of employment even when she was injured during a uncompensated lunch hour, when no actual business was being transacted for the employer at the time of injury. See Texas Workers' Compensation Commission Appeal No. 92009, decided February 21, 1992, and cases cited therein. In view of the evidence presented and our decision in Appeal No. 92009, we cannot conclude 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 **HARTFORD UNDERWRITERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Edward Vilano
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Gary L. Kilgore
Appeals Judge