

**DECISION AND ORDER**

This case is decided pursuant to Chapter 410 of the Texas Workers' Compensation Act and Rules of the Division of Workers' Compensation adopted thereunder.

**ISSUE**

A contested case hearing was opened on October 24, 2007, and closed on January 17, 2008 to decide the following disputed issue:

1. Whether the preponderance of the evidence is contrary to the decision of the Independent Review Organization that bilateral facet injections at L2-S1 are not reasonable and necessary health care service for the compensable injury of \_\_\_\_\_?

**PARTIES PRESENT**

Claimant appeared and was assisted by ombudsman. Carrier appeared and was represented by attorney.

**BACKGROUND INFORMATION**

It is undisputed that this is a network claim. The record was held open for Claimant to research whether there is jurisdiction. Subsequently, the ombudsman assisting Claimant announced to the undersigned hearing officer that no brief would be filed and the record could be closed. Because this is a network claim, there is no jurisdiction in the Texas Department of Insurance, Division of Workers' Compensation, to determine prospective and concurrent medical necessity for the treatment sought by Claimant.

Even though all the evidence presented was not discussed, it was considered. The Findings of Fact and Conclusions of Law are based on all of the evidence presented.

**FINDINGS OF FACT**

1. The parties stipulated to the following facts:
  - A. Venue is proper in the (City) Field Office of the Texas Department of Insurance, Division of Workers' Compensation.
  - B. On \_\_\_\_\_, Claimant was the employee of Employer.
2. Carrier delivered to Claimant a single document stating the true corporate name of Carrier, and the name and street address of Carrier's registered agent, which document was admitted into evidence as Hearing Officer's Exhibit Number 2.

3. Treatment for this claim is through a network although Carrier allowed a portion of Claimant's treatment through a non-network health care provider.

### **CONCLUSIONS OF LAW**

1. Because this is a network claim, the Texas Department of Insurance, Division of Workers' Compensation, does not have jurisdiction to hear this case.
2. Venue is proper in the (City) Field Office.

### **DECISION**

Because this is a network claim, the Texas Department of Insurance, Division of Workers' Compensation, does not have jurisdiction to hear this case.

### **ORDER**

Carrier is not liable for the benefits at issue in this hearing. Claimant remains entitled to medical benefits for the compensable injury in accordance with §408.021.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSSELL OLIVER, PRESIDENT  
6210 EAST HWY. 290  
AUSTIN, TEXAS 78723**

Signed this 17th day of January, 2008.

Charles T. Cole  
Hearing Officer