

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 held on 05/15/08 to decide the following disputed issue:

1. Is a cervical MRI and ESI health care reasonably required in accordance with TEXAS LABOR CODE SEC. 401.011(22-a)?

PARTIES PRESENT

Claimant appeared and was assisted by MP, ombudsman. Carrier appeared by phone and was represented by RJ.

BACKGROUND INFORMATION

It is undisputed this is a Network claim. 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 treatment sought by the 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).
 - C. This is a Network claim.
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.

CONCLUSIONS OF LAW

1. The Texas Department on Insurance, Division of Workers' Compensation does not have jurisdiction to hear this dispute.

DECISION

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

ORDER

It is therefore ORDERED that this proceeding be dismissed for want of jurisdiction.

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

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

Signed this 16th day of May, 2008.

G. W. Quick
Hearing Officer