

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.

ISSUES

A contested case hearing was held on February 9, 2009 to decide the following disputed issue:

Is the preponderance of the evidence contrary to the decision of the (Independent Review Organization) IRO that the Claimant is not entitled to left shoulder arthroscopy, excision distal clavicle, debridement, and possible left rotator cuff repair?

PARTIES PRESENT

Petitioner/Provider and Claimant failed to appear for the contested case hearing and did not respond to the Division's 10-day letter. Respondent/Self-Insured was present at the hearing and was represented by Ms. JRT, attorney at law.

BACKGROUND INFORMATION

Although properly notified, Petitioner/Provider and Claimant failed to appear for the contested case hearing scheduled for 9:00 a.m. on February 9, 2009. A letter advising that the hearing had convened and that the record would be held open for ten days to afford Petitioner/Provider and/or Claimant the opportunity to respond and request that the hearing be rescheduled to permit the party(ies) to present evidence on the disputed issues was mailed to Petitioner/Provider and Claimant. Both Petitioner/Provider and Claimant failed to respond to the Division's 10-day letter and the record was closed. Having failed to appear and offer evidence in support of this claim, Petitioner/Provider and Claimant failed to show that Claimant is entitled to the relief sought.

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. Venue is proper in the (City) Field Office of the Texas Department of Insurance, Division of Workers' Compensation.
2. On _____, Claimant was employed by (Employer).
3. On _____, the employer was self-insured.
4. On _____, Claimant sustained a compensable injury.

5. Petitioner/Provider did not have good cause for failing to appear at the contested case hearing.
6. Left shoulder arthroscopy, excision distal clavicle, debridement, and possible left rotator cuff repair is not health care reasonably required for the compensable injury of _____.
7. Petitioner/Provider did not have good cause for failing to appear at the contested case hearing.

CONCLUSIONS OF LAW

1. The Texas Department of Insurance, Division of Workers' Compensation, has jurisdiction to hear this case.
2. Venue is proper in the (City) Field Office.
3. The preponderance of the evidence is not contrary to the decision of the IRO that left shoulder arthroscopy, excision distal clavicle, debridement, and possible left rotator cuff repair is not health care reasonably required for the compensable injury of _____.

DECISION

Claimant is not entitled to left shoulder arthroscopy, excision distal clavicle, debridement, and possible left rotator cuff repair for the compensable injury of _____.

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 **(Self-Insured) (a self-insured governmental entity)**; and the name and address of its registered agent for service of process is:

For service in person, the address is:

**JB, EXECUTIVE DIRECTOR
(Self-Insured)
(Address)
(Building)
(City), TEXAS (Zip Code)**

For service by mail, the address is:

**JB, EXECUTIVE DIRECTOR
(Self-Insured)
(PO Box)
(City), TEXAS (Zip Code)**

Signed this 14th day of May 2009,

Sandra Weber Fullerton,
Hearing Officer