

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

1. Is the preponderance of the evidence contrary to the decision of the Independent Review Organization that Claimant is not entitled to neuroplasty right median nerve and right carpal tunnel release, outpatient, for the compensable injury of _____?

A hearing was held on December 14, 2010, with the record closing on December 30, 2010, at which Carrier's motion to dismiss for lack of jurisdiction was considered.

PARTIES PRESENT

Petitioner/Claimant did not appear. DJ, ombudsman, appeared to assist Claimant had he appeared. Respondent/Carrier appeared and was represented by BJ, attorney.

BACKGROUND INFORMATION

Claimant did not appear for the hearing scheduled for December 14, 2010. A 10 day letter was sent to Claimant on December 14, 2010, offering him an opportunity to request that the hearing be reset to permit him to present evidence on the disputed issue and on Carrier's motion to dismiss for lack of jurisdiction based on this claim's status as a network claim. No response to that letter was received. The Division does not have jurisdiction of this case.

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 Carrier 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. On _____ Claimant sustained a compensable injury.
 - D. The Independent Review Organization determined Claimant should not have the requested treatment.
2. The Division sent to Claimant at his address of record with the 10 day letter 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. Claimant failed to appear for the December 14, 2010 hearing and did not respond to the Division's letter offering him an opportunity to have the hearing rescheduled.
4. Good cause was not shown for Claimant's failure to appear for the hearing.
5. This is a network claim.

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 Division does not have jurisdiction over the issue in dispute.

DECISION

The Division does not have jurisdiction over the issue in dispute.

ORDER

IT IS HEREBY ORDERED that the above styled and numbered case be, and it is hereby, dismissed with prejudice.

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

**RON O. WRIGHT, PRESIDENT
6210 EAST HIGHWAY 290
AUSTIN, TEXAS 78723**

Signed this 30th day of December, 2010.

Thomas Hight
Hearing Officer