

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 scheduled for February 2, 2011 but the Claimant failed to appear. A 10-day letter was sent to the Claimant and she requested the hearing be reset. The contested case hearing was reset to March 1, 2011 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 12 sessions of physical therapy for the compensable injury of _____?

PARTIES PRESENT

Claimant/Petitioner failed to appear for the contested case hearing. A 10-day letter was sent to the Claimant and she requested the hearing be reset. The hearing was reset to March 1, 2011 and the Claimant failed to appear. Carrier/Respondent appeared, by telephone, and was represented by BQ, attorney.

BACKGROUND INFORMATION

Although properly notified, the Claimant failed to appear for the medical contested case hearing scheduled for 9:00 a.m. on February 2, 2011. The Division sent a letter to the Claimant advising that the hearing had convened and that the record would be held open for ten days to afford the Claimant an opportunity to respond and request that the hearing be rescheduled to permit her to present evidence on the disputed issue. The Claimant responded after receiving the letter indicating that she had the wrong date on her calendar for the hearing. The medical contested case hearing was rescheduled to March 1, 2011. Prior to the March 1, 2011 hearing, the Claimant advised the Ombudsman that she was not going to attend the hearing and that she was receiving physical therapy in (City), (Country). Claimant then failed to appear for the hearing scheduled at 2:00 p.m. on March 1, 2011. On March 1, 2011, the record was closed. Having failed to appear and offer evidence in support of the requested health care service, 12 sessions of physical therapy, the Claimant failed to prove that the preponderance of the evidence is contrary to the determination of the IRO that the Claimant is not entitled to the requested 12 sessions of physical therapy for treatment of the compensable injury of _____.

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 the employee of (Employer).

3. Claimant sustained a compensable injury on _____.
4. The Division sent a single document stating the true corporate name of the Carrier and the name and street address of Carrier's registered agent for service with the 10-day letter to the Claimant at the Claimant's address of record. That document was admitted into evidence as Hearing Officer Exhibit Number 2.
5. Claimant failed to appear for the February 2, 2011 medical contested case hearing and the March 1, 2011 medical contested case hearing.
6. The Claimant did not have good cause for failing to appear at the medical contested case hearings scheduled for February 2, 2011 and March 1, 2011.
7. The IRO determined that 12 sessions of physical therapy were not medically necessary for treatment of the compensable injury of _____.
8. No evidence was received to show that the Claimant meets the requirements of the Official Disability Guidelines for 12 sessions of physical therapy for the compensable injury of _____ and no other evidence-based medicine was presented to support the necessity for the 12 sessions of physical therapy.
9. Twelve sessions of physical therapy is not health care reasonably required for the compensable injury of _____.

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 12 sessions of physical therapy is not health care reasonably required for the compensable injury of _____.

DECISION

Claimant is not entitled to 12 sessions of physical therapy 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 **STANDARD FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is:

**CORPORATION SERVICE COMPANY
211 EAST 7th STREET, SUITE 620
AUSTIN, TX 78701-3232**

Signed this 2nd day of March, 2011.

Carol A. Fougerat
Hearing Officer