

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 March 23, 2011 with the record closing on April 14, 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 one outpatient right transforaminal epidural steroid injection (ESI) at the L3-L4 level for the compensable injury of _____?

PARTIES PRESENT

Petitioner/Claimant failed to appear for the contested case hearing and did not respond to the Division's 10-day letter. Respondent/Carrier appeared, by telephone, and was represented by HF, assistant attorney general.

BACKGROUND INFORMATION

Although properly notified, Petitioner/Claimant failed to appear for the medical contested case hearing scheduled for 9:30 a.m. on March 23, 2011. A letter advising the Claimant that the hearing had convened and that the record would be held open for ten days to afford him the opportunity to respond and request that the hearing be rescheduled to permit him to present evidence on the disputed issues was mailed to Claimant by the Division on March 23, 2011. The Claimant failed to respond to the Division's 10-day letter and the record was closed. The Claimant bore the burden of proof to present evidence-based medical evidence sufficient to overcome the determination of the IRO and, having failed to appear and offer evidence in support of this claim, Claimant failed to show that he 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 the employee of the (Self-Insured), Employer.
3. Claimant sustained a compensable injury to his lumbar spine on _____.

4. The Division mailed to the Claimant a single document stating the true corporate name of Carrier, and the name and street address of Carrier's registered agent, which was admitted into evidence as Hearing Officer's Exhibits Number 2 and 3.
5. The Claimant failed to appear for the medical contested case hearing scheduled for March 23, 2011.
6. A 10-day letter was sent to the Claimant by the Division on March 23, 2011 and the Claimant failed to respond.
7. The Claimant failed to show good cause for not attending the contested case hearing held on March 23, 2011.
8. The requested outpatient right transforaminal ESI at L3-L4 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 an outpatient right transforaminal ESI at L3-L4 is not health care reasonably required for the compensable injury of _____.

DECISION

Claimant is not entitled to an outpatient right transforaminal ESI at L3-L4 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 the **(SELF-INSURED)** and the name and address of its registered agent for service of process is:

**EXECUTIVE DIRECTOR
(SELF-INSURED)
(STREET ADDRESS)
(CITY), TX (ZIP CODE)**

Signed this 14th day of April, 2011.

Carol A. Fougerat
Hearing Officer