

MEDICAL CONTESTED CASE HEARING NO 12067  
M6-12-36770-01

**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 December 13, 2011 with the record closing on January 5, 2012 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 a repeat lumbar epidural steroid injection (ESI) with fluoroscopy (64483, 77003) out patient, for the compensable injury of (Date of Injury)?

**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 and was represented by BJ, attorney.

**BACKGROUND INFORMATION**

Although properly notified, Petitioner/Claimant failed to appear for the medical contested case hearing scheduled for 2:00 p.m. on December 13, 2011. A letter advising 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 December 14, 2011. Claimant failed to respond to the Division's 10-day letter and on January 5, 2012, the record was closed. The Claimant bore the burden of proof to present evidence-based medical opinions 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.

Carrier presented the IRO decision and the preauthorization denials.

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 (Date of Injury), Claimant was the employee of (Employer), Employer.
3. Claimant sustained a compensable injury on (Date of Injury).
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 document was admitted into evidence as Hearing Officer's Exhibit Number 2.
5. The Claimant failed to appear for the medical contested case hearing scheduled for December 13, 2011.
6. A 10-day letter was sent to the Claimant by the Division on December 14, 2011 and the Claimant failed to respond.
7. The Claimant failed to show good cause for not attending the contested case hearing held on December 13, 2011.
8. The requested repeat lumbar epidural steroid injection with fluoroscopy is not health care reasonably required for the compensable injury of (Date of Injury).

**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 a repeat lumbar steroid injection with fluoroscopy is not health care reasonably required for the compensable injury of (Date of Injury).

**DECISION**

Claimant is not entitled to an outpatient ESI with fluoroscopy for the compensable injury of (Date of Injury).

**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 **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

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

Signed this 6th day of January, 2012.

DAVID WAGNER  
Hearing Officer