

MEDICAL CONTESTED CASE HEARING NO 12098
M6-12-35771-01

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 March 14, 2012 to decide the following disputed issue:

Is the preponderance of the evidence contrary to the decision of the IRO that the claimant is not entitled to outpatient tenolysis of the right thumb for the compensable injury of (Date of Injury)?

PARTIES PRESENT

Petitioner did not appear and did not respond to the Division's 10-day letter. Respondent/Carrier appeared and was represented by RR, attorney.

BACKGROUND INFORMATION

Although properly notified, Petitioner failed to appear for the contested case hearing scheduled for 9:00 a.m. on March 14, 2012. A letter advising that the hearing had convened and that the record would be held open for ten days to afford Petitioner the opportunity to respond and request that the hearing be rescheduled to permit the presentation of evidence on the disputed issue was mailed to Petitioner on March 22, 2012. Petitioner failed to respond to the Division's 10-day letter and, on April 11, 2012, the record was closed. Having failed to appear and offer evidence in support of the claim, Petitioner failed to show entitlement to the relief sought.

No evidence-based medicine was submitted contrary to the IRO decision.

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 parties present 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 (Date of Injury), Claimant was the employee of The Texas A&M University System, Employer.
- C. On (Date of Injury), The Texas A&M University System, Employer, provided workers' compensation coverage as a self-insurer.
2. Carrier delivered to Petitioner 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. Petitioner failed to appear for the March 14, 2012 contested case hearing and did not respond to the Division's letter offering the opportunity to have the hearing rescheduled.
 4. No evidence was produced to establish that outpatient tenolysis of the right thumb was health care reasonably necessary for the compensable injury of (Date of Injury).
 5. Petitioner 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 outpatient tenolysis of the right thumb is not health care reasonably required for the compensable injury of (Date of Injury).

DECISION

Claimant is not entitled to outpatient tenolysis of the right thumb 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 self-insured is **THE TEXAS A&M UNIVERSITY**

SYSTEM, and the name and address of its registered agent for service of process is:

**DEANNA HOLLADAY
WCI MANAGER
A&M SYSTEM BUILDING, SUITE 1120
200 TECHNOLOGY WAY
COLLEGE STATION, TEXAS 77845-3424**

Signed this 11th day of April, 2012.

Robert Greenlaw
Hearing Officer