

MEDICAL CONTESTED CASE HEARING NO. 13083

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 medical contested case hearing was opened on January 22, 2013 with the record closing on April 22, 2013 to decide the following disputed issue:

Is the preponderance of the evidence-based medical evidence contrary to the decision of the Independent Review Organization (IRO) that the Claimant is not entitled to a repeat lumbar MRI with and without contrast for the compensable injury of (Date of Injury)?

PARTIES PRESENT

On January 22, 2013, Claimant/Petitioner (hereinafter "Claimant") failed to appear. DV, ombudsman, was present to assist the Claimant. Carrier/Respondent (hereinafter "Carrier") appeared and was represented by KB, attorney.

After the January 22, 2013 hearing, the Claimant was sent a letter by the undersigned allowing him an opportunity to present good cause for his absence and evidence on the disputed issue. The Claimant timely responded to the letter, and the hearing was reset to April 22, 2013.

On April 22, 2013, the Claimant again failed to appear. Ms. DV was present to assist the Claimant, and Ms. KB appeared for the Carrier. The record is devoid of any evidence showing good cause for the Claimant's absence on January 22, 2013.

BACKGROUND INFORMATION

The Claimant failed to appear at the hearing and he did not avail himself of the opportunity to present his case. Having failed to appear and offer evidence regarding the medical necessity of the disputed repeat lumbar MRI with and without contrast, the Claimant failed to prove that the preponderance of the evidence-based medical evidence is contrary to the decision of the IRO that a repeat lumbar MRI with and without contrast is not reasonable and necessary health care for his compensable (Date of Injury) injury.

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 admitted 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 (Employer), Employer.
 - C. On (Date of Injury), Employer had workers' compensation insurance coverage with National Fire Insurance Co. of Hartford, Carrier.
 - D. On (Date of Injury), the Claimant sustained a compensable injury while in the course and scope of his employment with (Employer).
 - E. The IRO upheld the Carrier's denial of a repeat lumbar MRI with and without contrast for the Claimant's compensable (Date of Injury) injury.
2. No evidence was presented to show that the Claimant meets the criteria found in the Official Disability Guidelines for prescriptions for a repeat lumbar MRI with and without contrast for his compensable (Date of Injury) injury, and no other evidence was presented to support the medical necessity of the said testing.
3. The Claimant did not have good cause for failing to appear at the January 22, 2013 medical contested case hearing held herein.
4. A repeat lumbar MRI with and without contrast is not health care reasonably required for the compensable injury of (Date of Injury).
5. The undersigned mailed a single document stating the true corporate name of the Carrier, and the name and street address of Carrier's registered agent, which was admitted into evidence as Hearing Officer Exhibit Number 2, to the Claimant at his last known address.

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 MRI with and without contrast is not health care reasonably required for the compensable injury of (Date of Injury).

DECISION

Claimant is not entitled to a repeat lumbar MRI with and without contrast as the testing is not health care reasonably required 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 **NATIONAL FIRE INSURANCE COMPANY OF HARTFORD**, and the name and address of its registered agent for service of process is:

**C T CORPORATION SYSTEM
350 N. ST. PAUL STREET
DALLAS, TX 75201**

Signed this 22nd day of April, 2013.

Patrice Fleming-Squirewell
Hearing Officer