

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 September 21, 2010 to decide the following disputed issue:

1. Is the preponderance of the evidence contrary to the decision of Medical Fee Dispute Resolution that (Sub-claimant), Petitioner, is not entitled to reimbursement of a total of \$1,361.73 for the compensable injury of _____?

PARTIES PRESENT

Petitioner failed to appear for the contested case hearing but did respond to the Division's 10-day letter. At Petitioner's request, a new hearing was set for February 3, 2011, at which time Petitioner again failed to appear for the contested case hearing. Carrier appeared and was represented by JT, attorney.

BACKGROUND INFORMATION

Although properly notified, Petitioner failed to appear for the contested case hearing scheduled for 1:30 p.m. on September 21, 2010. 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 for presentation of evidence on the disputed issue was mailed to Petitioner on September 21, 2010. Petitioner responded and requested a new hearing. On February 3, 2011, a new hearing was convened and Petitioner again failed to appear for the hearing. On February 3, 2011, the record was closed. Having failed to appear and offer evidence in support of the claim, Petitioner has failed to show entitlement 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. Carrier delivered to 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 Exhibit Number 2.

4. On _____, claimant sustained a compensable injury.
5. On, April 6, 2010, Medical Fee Dispute Resolution determined that (Sub-claimant), Petitioner, is not entitled to reimbursement in the amount of \$1,361.73 for the compensable injury of _____.
6. Petitioner failed to appear for the September 21, 2010 contested case hearing but did respond to the Division's letter offering the opportunity to have the hearing rescheduled.
7. Petitioner failed to appear for the February 3, 2011 contested case hearing.
8. Petitioner did not have good cause for failing to appear at the September 21, 2010 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 Medical Fee Dispute Resolution that (Sub-claimant), Petitioner, is not entitled to reimbursement of a total of \$1,361.73 for the compensable injury of _____.

DECISION

The preponderance of the evidence is not contrary to the decision of Medical Fee Dispute Resolution that (Sub-claimant), Petitioner, is not entitled to reimbursement of a total of \$1,361.73 for the compensable injury of _____.

ORDER

Carrier is not liable for the reimbursement at issue in this hearing. Claimant remains entitled to medical benefits for the compensable injury of _____ in accordance with §408.021.

The true corporate name of the insurance carrier is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

For service in person, the address is:

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

For service by mail, the address is:

**EXECUTIVE DIRECTOR
(SELF-INSURED)
(P.O. BOX)
(CITY), TEXAS (ZIP CODE)**

Signed this 8th day of February, 2011.

Robert E. Greenlaw
Hearing Officer