

MEDICAL CONTESTED CASE HEARING NO. 13105

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 April 26, 2013 to decide the following disputed issue:

1. Is the preponderance of the evidence contrary to the decision of the IRO that the claimant is not entitled to OT Elbow Right 24 Sessions G0283 97140 97110 95851 97010 for the compensable injury of (Date of Injury)?

PARTIES PRESENT

Petitioner/Claimant did not appear for the medical contested case hearing and did not respond to the Division's 10-day letter.

Respondent/Carrier appeared and was represented by JL, attorney.

BACKGROUND INFORMATION

Although properly notified, Claimant failed to appear for the medical contested case hearing scheduled for 8:30 a.m. on April 26, 2013. A letter advising that the hearing had convened and that the record would be held open for ten days to afford Claimant 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 on April 29, 2013. Claimant failed to respond to the Division's 10-day letter and, on June 11, 2013, the record was closed. Having failed to appear and offer evidence in support of his claim, Claimant failed to show that he is entitled to the relief he seeks.

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 party 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 (Employer), Employer.

C. On (Date of Injury), Employer provided workers' compensation insurance with Indemnity Insurance Company of North America, Carrier.

2. On (Date of Injury), Claimant sustained a compensable injury.
3. Carrier delivered to Claimant/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.
4. Claimant failed to appear for the April 26, 2013, medical contested case hearing and did not respond to the Division's letter offering him the opportunity to have the hearing rescheduled.
5. Claimant did not have good cause for failing to appear at the contested case hearing.
6. Claimant requested OT Elbow Right 24 Sessions G0283, 97140, 97110, 95851 and 97010 for the compensable injury of (Date of Injury).
7. Claimant's request for OT Elbow Right 24 Sessions G0283, 97140, 97110, 95851 and 97010 was denied.
8. Claimant appealed the denial of his request for OT Elbow Right 24 Sessions G0283, 97140, 97110, 95851 and 97010 to the Independent Review Organization.
9. The Independent Review Organization upheld the adverse determination of Claimant's request for OT Elbow Right 24 Sessions G0283, 97140, 97110, 95851 and 97010.
10. The request for OT Elbow Right 24 Sessions G0283, 97140, 97110, 95851 and 97010 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 OT Elbow Right 24 Sessions G0283, 97140, 97110, 95851 and 97010 is not health care reasonably required for the compensable injury of (Date of Injury).

DECISION

Claimant is not entitled to OT Elbow Right 24 Sessions G0283, 97140, 97110, 95851 and 97010 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 **INDEMNITY INSURANCE COMPANY OF NORTH AMERICA** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST PAUL STREET
DALLAS, TX 75201**

Signed this 20th day of June, 2013.

Jacqueline Harrison
Hearing Officer