

MEDICAL CONTESTED CASE HEARING NO. 14081

DECISION AND ORDER

This case is decided pursuant to Chapter 410 of the Texas Workers' Compensation Act and the Rules of the Texas Department of Insurance, Division of Workers' Compensation. For the reasons discussed herein, the Hearing Officer determines that the preponderance of the evidence is not contrary to the Independent Review Organization (IRO) decision that Claimant is not entitled to a right L5-S1 ESI (#3 injection) for the compensable injury of (Date of Injury).

STATEMENT OF THE CASE

On July 23, 2014, Britt Clark, a Division hearing officer, held a contested case hearing to decide the following disputed issue:

Is the preponderance of the evidence contrary to the Independent Review Organization (IRO) decision that Claimant is not entitled to a right L5-S1 ESI (#3 injection) for the compensable injury of (Date of Injury)?

PARTIES PRESENT

Claimant failed to appear for the contested case hearing and did not respond to the Division's 10-day letter. Carrier appeared and was represented by BLW, attorney.

EVIDENCE PRESENTED

No witnesses testified.

The following exhibits were admitted into evidence:

Hearing Officer's Exhibits HO-1 through HO-3.

Claimant's Exhibits: None.

Carrier's Exhibits: None.

DISCUSSION

The Independent Review Organization (IRO) determined that Claimant is not entitled to a right L5-S1 ESI (#3 injection) for the compensable injury of (Date of Injury). (*See* HO-3). Claimant petitioned the Division for a contested case hearing to review this determination. Although properly notified, Claimant failed to appear for the contested case hearing scheduled for 2:00 p.m. on July 23, 2014. 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 July 24, 2014. Claimant failed to respond to the Division's 10-day letter and, on August 15, 2014, 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.

The Hearing Officer considered all of the evidence admitted. The Findings of Fact and Conclusions of Law are based on an assessment of all of the evidence whether or not the evidence is specifically discussed in this Decision and Order.

FINDINGS OF FACT

1. The parties stipulated to the following facts:
 - A. The Texas Department of Insurance, Division of Workers' Compensation, has jurisdiction to hear this matter.
 - B. Venue is proper in the (City) Field Office of the Texas Department of Insurance, Division of Workers' Compensation.
 - C. On (Date of Injury), Claimant was the employee of (Employer), Employer.
 - D. On (Date of Injury), Employer provided workers' compensation insurance through Travelers Indemnity Company, Carrier.
 - E. On (Date of Injury), Claimant sustained a compensable injury.
2. The Division sent a single document stating the true corporate name of the Carrier and the name and street address of Carrier's registered agent for service with the 10-day letter to the Claimant at Claimant's address of record. That document was admitted into evidence as Hearing Officer Exhibit Number 2.
3. Claimant failed to appear for the July 23, 2014 contested case hearing and did not respond to the Division's letter offering him the opportunity to have the hearing rescheduled.
4. A right L5-S1 ESI (#3 injection) is not health care reasonably required for the compensable injury of (Date of Injury).
5. Claimant 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 Independent Review Organization (IRO) decision that Claimant is not entitled to a right L5-S1 ESI (#3 injection) for the compensable injury of (Date of Injury).

DECISION

The preponderance of the evidence is not contrary to the Independent Review Organization (IRO) decision that Claimant is not entitled to a right L5-S1 ESI (#3 injection) for the compensable injury of (Date of Injury).

ORDER

Carrier is not liable for the benefits at issue in this hearing, and it is so ordered. Claimant remains entitled to medical benefits for the compensable injury in accordance with §408.021.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE CO.
d/b/a CSC-LAWYERS INCORPORATING SERVICE CO.
211 EAST 7th STREET, STE 620
AUSTIN, TX 78701-3218**

Signed this 18th day of August, 2014.

BRITT CLARK
Hearing Officer