

4. When Carrier denied reimbursement for the services, Provider requested medical fee dispute resolution through the Texas Department of Insurance, Division of Workers' Compensation (Division).
5. On December 6, 2007, the Division issued its findings and decision, requiring Carrier to reimburse the amount of \$2,735.21 for the disputed services.
6. On December 18, 2007, Carrier requested a hearing by the State Office of Administrative Hearings (SOAH) to appeal the Division's order.
7. On December 20, 2007, the Division sent notice of the SOAH hearing in this matter to all parties.
8. All parties received adequate notice of not less than 10 days of the time, place, and nature of the hearing; the legal authority and jurisdiction under which the hearing was to be held; the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
9. On February 20, 2008, SOAH Administrative Law Judge Craig R. Bennett held a contested case hearing concerning the dispute at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas. Carrier appeared at the hearing through its attorney, Bryan W. Jones. No other parties appeared or participated in the hearing.
10. Carrier has previously paid \$2,114.67 of the \$2,735.21 ordered by the Division, and only \$620.54 remains outstanding and unpaid by Carrier.

II. CONCLUSIONS OF LAW

1. SOAH has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a decision and order. TEX. LAB. CODE ANN. §§ 402.073(b), 413.031, 413.0311, and 413.055; and TEX. GOV'T. CODE ANN. ch. 2003.
2. Notice of the hearing was proper and timely. TEX. GOV'T. CODE ANN. §§ 2001.051-.052.
3. Carrier had the burden of proving by the preponderance of the evidence that it was not liable for payment of the disputed fees. 1 TEX. ADMIN. CODE § 155.41(b); 28 TEX. ADMIN. CODE § 148.14(a).
4. Based on the above Findings of Fact, Carrier has shown that it is not currently liable for \$2,114.67 of the \$2,735.21 ordered by the Division, because it has already paid that amount.
5. Based on the above Findings of Fact, Carrier is currently liable for \$620.54, and shall be required to pay that amount to Provider.

ORDER

THEREFORE, IT IS ORDERED THAT the Division's order of December 6, 2007, in this matter is upheld. However, Carrier is only responsible for reimbursing the outstanding amount \$620.54, and is relieved of the requirement of making any other additional payments under the Division's order.

SIGNED February 29, 2008.

**CRAIG R. BENNETT
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**