

MEDICAL CONTESTED CASE HEARING NO. 09036  
MDR NO. M4-08-4887-01

**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 October 16, 2008, to decide the following issue:

1. Whether the preponderance of the evidence is contrary to the decision of Medical Review that Petitioner/Subclaimant is not entitled to additional reimbursement in the amount of \$150.00 plus applicable accrued interest under MMI CPT Code 99546 with the component modifier "26"?

**PARTIES PRESENT**

Petitioner/Subclaimant appeared by telephone and was represented by MS, adjuster. Carrier/Respondent appeared by telephone and was represented by MM.

**AGREEMENT**

The parties reached an agreement. The agreement resolves only those issues to be decided at this hearing. The agreement does not resolve all issues with regard to this claim and is not a settlement.

In this decision, this Agreement section includes findings of fact and the Decision section constitutes the conclusions of law.

The Hearing Officer found:

- A. Carrier delivered to Petitioner/Subclaimant 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.

The parties agreed as follows:

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 of the Texas Department of Insurance, Division of Workers' Compensation.
3. On \_\_\_\_\_, Claimant was the employee of (Employer), and sustained a compensable injury.

4. To withdraw the disputed issue of whether the preponderance of the evidence is contrary to the decision of Medical Review that Petitioner/Subclaimant is not entitled to additional reimbursement in the amount of \$150.00 plus applicable accrued interest under MMI CPT Code 99546 with the component modifier "26."

### **DECISION**

Parties agree to withdraw the disputed issue of whether the preponderance of the evidence is contrary to the decision of Medical Review that Petitioner/Subclaimant is not entitled to additional reimbursement in the amount of \$150.00 plus applicable accrued interest under MMI CPT Code 99546 with the component modifier "26."

### **ORDER**

Carrier is not liable for the benefits that were 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 **(SELF INSURED)**, and the name and address of its registered agent for service of process is

**CR**  
**(ADDRESS)**  
**(CITY), TEXAS (ZIP CODE)**

Signed this 16th day of October, 2008.

Cheryl Dean  
Hearing Officer