

MEDICAL CONTESTED CASE HEARING NO. 12104
M4-04-A049-01

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 Medical Fee Dispute Resolution Findings and Decision was rendered on January 19, 2012, finding that Vista Surgical Center West, Petitioner, was not entitled to additional medical fees in the amount of \$1,769.74. Petitioner appealed that decision. A contested case hearing was held on April 16, 2012, to decide the following disputed issue:

1. Is Petitioner entitled to an additional medical fee in the amount of \$1,769.74 for services rendered on June 17, 2003, for the compensable injury of (Date of Injury)?

PARTIES PRESENT

Petitioner 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 PB, attorney.

EVIDENCE PRESENTED

The following witnesses testified:

For Petitioner: None
For Carrier: None

The following exhibits were admitted into evidence:

Hearing Officer's Exhibits HO-1 and HO-2.

Claimant's Exhibits: None.
Carrier's Exhibits: None.

BACKGROUND INFORMATION

Although properly notified, Petitioner failed to appear for the contested case hearing scheduled for 1:30 p.m. on April 16, 2012. 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 to permit it to present evidence on the disputed issue was

mailed to Petitioner and Petitioner's attorney of record on April 16, 2012. Petitioner failed to respond to the Division's 10-day letter and, on April 30, 2012, the record was closed. Having failed to appear and offer evidence in support of its claim, Petitioner failed to show that it is entitled to the relief it 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. Venue is proper in the (City) Field Office of the Texas Department of Insurance, Division of Workers' Compensation.
2. On (Date of Injury), Claimant was the employee of the (Employer), Employer.
3. On (Date of Injury), Employer provided workers' compensation insurance as a self-insured.
4. 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 Petitioner at Petitioner's address of record and to Petitioner's attorney of record. That document was admitted into evidence as Hearing Officer Exhibit Number 2.
5. Petitioner failed to appear for the April 16, 2012, contested case hearing and did not respond to the Division's letter offering it the opportunity to have the hearing rescheduled.
6. No evidence was presented that would tend to establish that Petitioner is entitled to any additional reimbursement for services rendered on June 17, 2003.
7. Petitioner 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. Petitioner is not entitled to an additional medical fee in the amount of \$1,769.74 for services rendered on June 17, 2003, for the compensable injury of (Date of Injury).

DECISION

Petitioner is not entitled to an additional medical fee in the amount of \$1,769.74 for services rendered on June 17, 2003, for the compensable injury of (Date of Injury).

ORDER

Carrier is not liable for the benefits at issue in this hearing.

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

**(EMPLOYER), SELF-INSURED
GLENN DILLON, MAYOR
11020 HWY 150
SHEPHERD, TX 77371**

Signed this 30th day of April, 2012.

KENNETH A. HUCHTON
Hearing Officer