

MEDICAL CONTESTED CASE HEARING NO 25001

Decision

The claimant appealed the decision of the Independent Review Organization in Case Number (Number). The hearing for the appeal was held on January 13, 2025, with the record closing on February 4, 2025. For the reasons discussed, the administrative law judge determines that:

The claimant is not entitled to an MRI without contrast of the thoracic spine, or an MRI without contrast of the lumbar spine.

The issue regarding an MRI without contrast of the cervical spine is moot.

Statement of the Case

Judge Warren E. Hancock, Jr. held a hearing on January 13, 2025, with the record closing on February 4, 2024, to decide the following:

For the compensable injury of (Date of Injury), is the claimant entitled to an MRI without contrast of the cervical spine, an MRI without contrast of the thoracic spine, and an MRI without contrast of the lumbar spine?

Persons Present

The claimant did not appear for the hearing. The insurance carrier appeared and was represented by PW, attorney.

Evidence Presented

The following witnesses testified:

For the claimant: None

For the insurance carrier: None

The judge admitted the following exhibits into evidence:

Judge's Exhibits: ALJ-1 and ALJ-2

Claimant's Exhibits: None

Insurance Carrier's Exhibits: CR-A through CR-E

The insurance carrier affirmed there were 15 pages of Insurance Carrier's Exhibits, which were submitted as intended. After the hearing, the judge added Judge's Exhibit ALJ-2 consisting of 8 pages.

Discussion

Although properly notified, the claimant did not appear for the hearing. The Division of Workers' Compensation sent a 10-day letter to the claimant. This letter explained that although the hearing had been held, the claimant could request a new hearing, and what would happen if a new hearing was not requested. The Division did not receive a written response to the letter. The record closed on February 4, 2025.

The claimant has the burden of proof on the disputed issue. Because the claimant did not appear and present evidence, the claimant did not meet this burden.

The judge considered all the evidence admitted and based his findings of fact and conclusions of law on the evidence, even if the judge did not specifically discuss all the evidence.

Findings of Fact

1. The party present stipulated to the following facts:
 - A. The (City) field office is the proper location for the hearing.
 - B. On (Date of Injury), the claimant was an employee of (Date of Injury).
 - C. On (Date of Injury), the employer provided workers' compensation insurance through Hartford Casualty Insurance Company.
 - D. The claimant sustained a compensable injury on (Date of Injury), in the form of at least a cervical injury resulting in a cervical fusion, a fracture of thoracic vertebrae T6, T8, and T9, and an injury to the lumbar spine that has not been diagnosed.
 - E. This claim does not involve a workers' compensation healthcare network.

- F. The Independent Review Organization determined that an MRI without contrast of the cervical spine, an MRI without contrast of the thoracic spine, and an MRI without contrast of the lumbar spine, is not healthcare reasonably required for the compensable injury of (Date of Injury).
2. The Division sent to the claimant a 10-day letter with a document stating the true corporate name of the insurance carrier, the name of the insurance carrier's registered agent, and the registered agent's street address, which was admitted into evidence.
 3. The claimant did not appear at the hearing on January 13, 2025, and did not respond to the Division's 10-day letter.
 4. The claimant did not have good cause for failing to appear at the hearing.
 5. The issue regarding an MRI without contrast of the cervical spine is moot, because the insurance carrier provided an MRI without contrast of the cervical spine after the claimant filed his IRO appeal in this case.
 6. The preponderance of the evidence is not contrary to the decision of the Independent Review Organization that an MRI without contrast of the thoracic spine, and an MRI without contrast of the lumbar spine, is not healthcare 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 issue regarding an MRI without contrast of the cervical spine is moot.
4. The claimant is not entitled to an MRI without contrast of the thoracic spine, or an MRI without contrast of the lumbar spine.

Order

The insurance carrier is not liable for the benefits at issue in this decision. The claimant remains entitled to medical benefits for the compensable injury.

The true corporate name of the insurance carrier is **HARTFORD CASUALTY INSURANCE COMPANY**, and the name and address of its registered agent for service of process is:

**C T CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TEXAS 75201**

Signed on February 4, 2025.

Warren E. Hancock, Jr.
Administrative Law Judge