

____,	§	BEFORE THE STATE OFFICE
Claimant	§	
	§	
V.	§	OF
	§	
NORTH AMERICAN SPECIALTY	§	
INSURANCE,	§	
Carrier	§	ADMINISTRATIVE HEARINGS

DECISION AND ORDER

I. INTRODUCTION

____ (Claimant) disputes a decision of the Texas Workers’ Compensation Commission (TWCC) Medical Review Division (MRD) regarding alleged medical services for which he alleges that North American Specialty Services (Carrier) failed to pay.

As set out below, the Administrative Law Judge (ALJ) finds that the Claimant has failed to submit a request for reimbursement in sufficient detail, as required by 28 TEX. ADMIN. CODE (TAC) § 133.307, to allow his request to be granted.

II. FINDINGS OF FACT

1. On October 25, 2004, the Claimant submitted a request for medical dispute resolution to the Texas Workers’ Compensation Commission (TWCC).
2. The request failed to list any disputed medical services for which he had paid and did not include any documentation to show that he had paid for but not been reimbursed by the Carrier for any such services.
3. On November 10, 2004, the TWCC Medical Review Division (MRD) dismissed the Claimant’s request because he had failed to establish what issues are disputed, as required by 28 Tex. Administrative Code (TAC) § 133.307.
4. After the MRD order was issued, the Claimant asked for a contested-case hearing by a State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ).
5. On January 12, 2005, required notice of a contested-case hearing concerning the dispute was mailed to the Carrier and the Claimant.
6. On May 3, 2005, SOAH ALJ William G. Newchurch attempted to hold a contested-case hearing concerning the dispute at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas.

7. No one appeared for the hearing, and no continuance had been granted.
8. The ALJ admitted the November 10, 2004, MRD decision into the record for all purposes.

III. CONCLUSIONS OF LAW

1. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a decision and order, pursuant to TEX. LABOR CODE ANN. (Labor Code) §§ 402.073(b) and 413.031(k) (West 2004) and TEX. GOV'T CODE ANN. (Gov't Code) ch. 2003 (West 2004).
2. Adequate and timely notice of the hearing was provided in accordance with Gov't Code §§ 2001.051 and 2001.052.
3. Based on the above Findings of Fact and Gov't Code § 2003.050 (a) and (b), 1 TEX. ADMIN. CODE (TAC) § 155.41(b) (2004), and 28 TAC §§ 133.308(v) and 148.21(h) (2004), the Claimant has the burden of proof in this case.
4. An employee who sustains a compensable injury is entitled to all health care reasonably required by the nature of the injury as and when needed that cures or relieves the effects naturally resulting from the compensable injury, promotes recovery, or enhances the ability of the employee to return to or retain employment. Labor Code §408.021 (a).
5. Based on the above Findings of Fact, the Claimant has failed to file a request for reimbursement in sufficient detail, as required by 28 Tex. Administrative Code (TAC) § 133.307, to allow his request to be reviewed or granted.
6. Based on the above Findings of Fact and Conclusions of Law, the Claimant's request for reimbursement should be dismissed at this time without prejudice to properly refileing it.

ORDER

IT IS ORDERED THAT the Claimant's request for reimbursement is dismissed at this time without prejudice to properly refileing it.

SIGNED May 4, 2005.

**WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**