

Oneida Tribal Judicial System

OnΛyote ʔ a·ka Tsiʔ Shakotiyaʔ Tolé hte

TRIAL COURT

Betsy Leiterman,
Petitioner

Docket No. 12-TC-001

Date: April 11, 2012

v.

HRD/Benefits and
Crawford & Co. Insurance
Robert W. Orcutt, Attorney
Oneida Law Office
Respondent

ORDER

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Jean Webster, Mary Adams, and Leland Wigg-Ninham presiding.

The following matter came before the Oneida Tribal Judicial System for a hearing on the 9th day of April, 2012. The appearances were as follows: Respondents: Christina Blue Bird/HRD, Jack Fleming/Crawford & Company Insurance, Robert Keck/Risk Management, and Attorney Robert W. Orcutt/Oneida Law Office. Petitioner: Betsy Leiterman failed to appear.

BACKGROUND

January 05, 2012 Petitioner filed a Hearing Application to address the denial for continued medical costs and total disability benefits for an injury received on March 1, 2010. Petitioner claims she has not been released from her doctor's care, is still unable to return to work and still is considered totally disabled. Petitioner believes she should still be entitled to receive benefits through the Oneida Tribes Worker's Compensation.

February 6, 2012 Notice of Representation was filed by Attorney Robert W. Orcutt representing Oneida HRD/Benefits and Crawford & Company Insurance.

February 14, 2012 a pre-trial was held. Based on oral testimony and information presented by both parties the case was forward to a trial. Trial was scheduled for April 9, 2012 at 9:00 a.m. The issue to be addressed at the trial was: Has the Petitioner reached the Maximum Medical Improvement as allowed per Oneida Tribe Worker's Compensation law.


April 9, 2012 the trial was scheduled and called to order at 9:00 a.m. Respondents and Attorney were present. Petitioner was not present. Respondent motioned the court to dismiss without prejudice as Petitioner failed to appear. Per Rule 16(C) of the Oneida Tribal Judicial Code, Chapter II states, "When a party who has filed a claim fails to appear, plead, or prosecute said claim as provided in these rules or elsewhere, a dismissal may be granted by the trial court, dismissing the claim."

DECISION

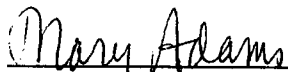
The Court grants the Respondents request to dismiss without prejudice.

IT IS SO ORDERED.

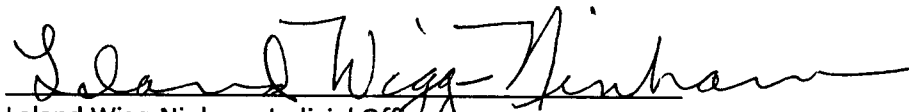
By the authority vested in the Oneida Tribal Judicial System pursuant to Resolution 8-19-91A of the General Tribal Council it is so held on this 11st day of April 2012, in the matter of Betsy Leiterman v HRD/Benefits and Crawford & Company Insurance. Docket Number 12-TC-001.



Jean M. Webster, Lead Judicial Officer



Mary Adams, Judicial Officer



Leland Wigg-Ninham, Judicial Officer