
ONEIDA TRIAL COURT

**Scott C. Palmer,
Petitioner**

v.

Case No: 16-TC-011

**Oneida HRD-Benefits,
Broadspire-A Crawford Company
Respondents**

DECISION

This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

Appearing in person: Petitioner, Scott C. Palmer and Respondents, Christina Blue Bird of Oneida HRD Benefits and Betty Jaffer and Kristi Giltner of Broadspire – A Crawford Company.

Both parties appeared without counsel.

Background

Petitioner filed an Oneida Worker's Compensation appeal from a decision to deny the Petitioner's claim for further benefits. The Respondent filed an answer and motion to dismiss. A hearing was held on Wednesday, April 13, 2016, at 9:00 a.m.

Findings of Fact

The court finds as follows:

1. The Court has Subject Matter, Territorial and Personal Jurisdiction.
2. The Petitioner had a work related injury on December 11, 2013 and another on April 14, 2014.
3. The Petitioner received medical care from January 2, 2014 through February 2, 2016 for those work related injuries.
4. On February 2, 2016, Dr. Steven J. Schechinger, MD, of Orthopedics and Sports Medicine Specialists of Green Bay, reported his medical opinion is that the Petitioner is at the end of healing with no permanent partial disability for the work related injuries.

5. On February 15, 2016, the Respondent sent a letter to the Petitioner denying any further benefits for the work related injuries based on Dr. Schechinger's medical opinion.

Analysis

The work related injury is at the end of healing and benefits are to be discontinued.

Section 13.3-12 of the Oneida Worker's Compensation Law provides as follows:

Covered Injury/Accidents. Mental or physical harm to an employee caused by accident or disease and arising out of and in the course of employment. Injury includes mental harm or emotional stress or strain without physical trauma, which arises from exposure to conditions or circumstances beyond those common to occupational and/or non-occupational life and is predominantly work related, extraordinary or unusual.

There is no question the Petitioner's injury in this case is work related and covered by Worker's Compensation. The Petitioner fell in the parking lot performing his work duties. The Petitioner was physically harmed by an accident arising out of his employment. However, coverage for such injuries only extends to the treatment and/or recovery needed until the end of healing. Where a work related injury occurs and the injured person reaches the end of healing for such injury, benefits are discontinued. According to the medical opinion of Dr. Schechinger, the Petitioner in this case reached the end of healing on February 2, 2016. Therefore, coverage for the work related injuries of the Petitioner in this case must be discontinued as of February 2, 2016.

The Petitioner believes that Dr. Schechinger's medical opinion that the Petitioner is at the end of healing is only referring to surgery. Specifically, that surgery would not improve the Petitioner's reported pain symptoms. Dr. Schechinger also noted in his report that for any pain the Petitioner may still be experiencing, a referral to a pain specialist may be needed to determine if any additional treatment is warranted. However, when taking into consideration Dr. Schechinger's medical opinion that the Petitioner is at the end of healing, it is the opinion of the Court that any remaining pain the Petitioner may be experiencing is not related to the work injuries and are from some other source. The Petitioner failed to prove in opposition to Dr. Schechinger's medical opinion that any pain he may be experiencing is in fact related to the work injuries. Therefore, there is not enough evidence to move forward with a trial in this case and the Respondent's motion to dismiss shall be granted.

Decision

The court enters the following decision:

The Respondent's motion to dismiss is hereby granted and case #16-TC-011 is dismissed with prejudice.

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council an order for dismissal signed on April 14, 2016 in the matter of Scott C. Palmer v. Oneida HRD-Benefits, Broadspire-A Crawford Company. Case #16-TC-011.

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ORDER TO CORRECT SCRIVENER'S ERROR

The Court notes that a hearing was held on Wednesday, April 13, 2016, at 9:00 a.m. A decision was signed and mailed out on Thursday, April 14, 2016. A scrivener's error was found in the written decision, but did not affect the outcome of the case. It was noted that Kristi Giltner of Broadspire appeared, however it should have been Stephen Gardner of Broadspire.

Accordingly, the specific language contained in the *Appearing in person* paragraph of the decision shall be amended as follows:

Appearing in person: Petitioner, Scott C. Palmer and Respondents, Christina Blue Bird of Oneida HRD Benefits and Betty Jaffer and Stephen Gardner of Broadspire – A Crawford Company.

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council an order for correction signed on April 21, 2016 in the matter of Scott C. Palmer v. Oneida HRD-Benefits, Broadspire-A Crawford Company. Case #16-TC-011.