
**ONEIDA JUDICIARY
TRIAL COURT**

**BRITTANY R. CHRISTIANSON,
Petitioner**

v.

Case No: 16-TC-055

**ONEIDA HRD-BENEFITS &
BROADSPIRE-A CRAWFORD COMPANY,
Respondents**

DEFAULT JUDGMENT

This case has come before the Oneida Trial Court, Honorable Denice E. Beans presiding.

Background

The Petitioner was denied Worker's Compensation benefits by Broadspire Services on July 5, 2016 based on the Oneida Policy:

- 13.3-13. *Not Covered Injury/Accidents*. No compensation is allowed for:
- (b) any injury, occupational disease or death when the proximate cause is the employee's intoxication from alcohol, or impairment by a non-prescribed controlled drug or abuse of a prescription drug, except where the employee is an innocent victim,
 - (d) any injury caused by or contributed to by an illegal or non-prescribed controlled substance confirmed by a positive confirmation or blood alcohol test.

The Petitioner filed a complaint on August 8, 2016 with the Oneida Judiciary asking for reconsideration of the Alcohol Test result/diagnosis due to her stressful work experience and medical condition of anxiety and to be granted the Worker's Compensation benefits. The Petitioner was asking for payment of medical, hospital, ambulance, doctor bills and all treatment services at the ER. The Petitioner was also asking for back pay from missed work from 6/15/16 to 6/21/16.

The Respondents filed an Answer on August 30, 2016 verifying that the Oneida Worker's Compensation Law was properly applied. Furthermore the Respondents requested that the Court issue a Scheduling Order and that the Court order the Petitioner to sign an Authorization for the

release of injury and related medical records from Oneida Employee Health Nursing, Bellin Occupational Health, and Bellin Hospital so that they may adequately prepare a defense.

A pre-trial hearing was held on September 13, 2016 at 11:00 a.m. The Petitioner and Respondents appeared along with Beverly Schoen, the grandmother of the Petitioner requesting to be allowed to advocate for her granddaughter Brittany Rose Christianson. Permission was granted for Ms. Schoen to represent the Petitioner at the pre-trial hearing. Ms. Schoen was informed that if she wanted to be an advocate for her granddaughter in the future then she would have to apply to practice as a Lay Advocate.

A settlement had not been reached and Peacemaking would not be considered until the additional test results were reviewed. The Petitioner agreed to sign the Authorization for Release of Medical Records that related to the incident on June 15, 2016. A scheduling Order was issued for Discovery to be completed by October 17, 2016 and a Trial date was set for November 1, 2016 at 1:30 p.m.

On October 17, 2016 the Respondents filed an Exhibit List and a Witness List, additionally, requesting an extension to complete Discovery until October 21, 2016. The extension was granted. The Revised Exhibit List was filed on October 21, 2016 by the Respondents.

The Petitioner, Brittany R. Christianson, failed to appear at the November 1, 2016 Trial. The Respondents were represented by Christina Blue Bird from HRD-Benefits and via the telephone; Broadspire's Representative Jessie Nickel.

The Respondents asked if a statement could be read into the Record and requested a Default Judgment. Both requests were granted.

Analysis

After being denied Oneida Worker's Compensation benefits the Petitioner filed a complaint requesting reconsideration of the test result/diagnosis due to stressful work experience and medical condition of anxiety.

A trial was scheduled for November 1, 2016 at 1:30 p.m. at which time the Petitioner failed to appear.

The Petitioner had the opportunity to bring forth documentation and/or witnesses to corroborate her claim of experiencing unusually high anxiety that prevented her from being able to perform the required tests.

Findings of Fact

The court finds as follows:

1. The Court has jurisdiction pursuant to chapter 150 of the Oneida Code of Laws.
2. A petition was filed on August 8, 2016 with the Oneida Judiciary asking for reconsideration of the Alcohol Test result/diagnosis due to her stressful work experience and medical condition of anxiety and to be granted the Worker's Compensation benefits.
3. The Respondents filed an answer on August 30, 2016.
4. The Respondents requested a Scheduling Order and that the Court Order the Petitioner to sign an Authorization for the release of injury and related medical records.
5. The Petitioner signed the Authorization for the release of injury and related medical records at the pre-trial hearing on September 13, 2016 and a Scheduling Order was issued.
6. A Trial was held on November 1, 2016.
7. The Petitioner failed to appear, plead, or prosecute.
8. The Respondents requested to read a statement into the Record. The request was granted.
9. The Oneida Worker's Compensation Law was properly applied by Broadspire which resulted in the denial of the benefits.
10. The Respondents requested a Default Judgment. The request was granted.

Order

The court enters the following order:

The denial of the Worker's Compensation benefits by Broadspire is affirmed.

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 a hearing was held on November 1, 2016 and an order signed on November 14, 2016 in the matter of *Brittany R. Christianson v. Broadspire-A Crawford Company, Oneida HRD Benefits*. Case #16-TC-055.