

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Kristin G. Metoxen
Petitioner,

v.

CASE NO: 19-TC-003

Broadspire – A Crawford Co, and
Oneida HRD – Employee Ins,
Respondents,

ORDER

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

Appearing in person: Respondent, Patricia L. Hoeft, Advocate.

Not appearing: Petitioner, Kristin G. Metoxen.

Background

On February 22, 2019 the Petitioner filed a Worker's Compensation complaint challenging the denial of continued benefits. A hearing was scheduled for March 28, 2019.

Statement of the Case

The Petitioner is seeking to overturn the decision denying her claim for continued benefits under the Oneida Worker's Compensation Law.

Findings of Fact

1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was given to all those entitled to notice.
3. The Petitioner did not appear.
4. The Respondent motioned to dismiss the case.
5. The Petitioner is found in default for failure to appear.
6. The motion to dismiss is granted.

Principles of Law

Oneida Judiciary Rules of Civil Procedure Section 803.29-3. Plaintiff.

803.29-3. *Plaintiff.* When a party who has filed a claim fails to appear, plead, or prosecute said claim as provided in this Law or elsewhere, a dismissal may be granted by the Court, on its own or on a party's motion, dismissing the claim. For purposes of this section, dismissal shall be treated as default.

Conclusion of Law

The Petitioner failed to appear, plead, or prosecute.

Order

This case is dismissed without prejudice.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council and Order signed on March 28, 2019 in Case No. 19-TC-003.