

# ***Oneida Tribal Judicial System***

OnΛyote ʔ a·ka Tsiʔ Shakotiyaʔ Tolé hte

## **ONEIDA TRIBAL JUDICIAL SYSTEM TRIAL COURT**

---

**Christopher Cornelius,  
Petitioner**

v.

**Oneida HRD-Benefits and  
Crawford Insurance,  
Respondent**

**Docket No: 07-TC-136**

**Date: November 6, 2007**

---

### **Decision**

---

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Gerald Cornelius, and Stanley R. Webster, presiding.

### **Background**

On August 1, 2007, Petitioner, Christopher Cornelius filed a complaint against Respondents, Oneida Human Resource Department-Benefits and Crawford Insurance, alleging denial of worker's compensation benefits. Petitioner claims he injured himself while on duty on June 28, 2007. Respondents assert their denial of benefits was based on Petitioner's untimely reporting. Respondents concede the date of Petitioner's injury was June 28, 2007 and Petitioner reported the injury on July 10, 2007, twelve days beyond the date of the incident. Respondents claim the injury must be reported within 10 days of incident according to the Tribe's Worker Compensation Law.

A pre-trial hearing was held on September 14, 2007. Petitioner requested more time to secure an attorney and prepare for a hearing. A hearing was scheduled for October 30, 2007. On October

18, 2007 Respondents submitted a Witness List, Exhibit List and a Certificate of Service.

At the October 30, 2007 hearing, Petitioner claimed he could not secure an attorney based on the following: (1) because he doesn't have any witnesses and; (2) according to the Tribe's rules he reported the injury too late.

Respondents explained according to the Worker's Compensation Law, 13.9-1.

*Notice of Injury.* No Compensation shall be due under this law unless, the employee, or another on behalf of the employee, reports the injury to the employee's supervisor, manager or the employers designated representative within 48 hours of the incident causing the injury. No compensation or medical benefits will be paid if a written notice of injury is not given to the employer within 10 calendar days of the date the employee first reports the injury.

Respondents provided evidence to show Petitioner signed the Tribe's Self Funded Worker's Injury Benefit Acknowledgement Form on December 12, 2004. Respondents provided evidence to show Petitioner reported his June 28, 2007 injury to his employer on July 10, 2007.

Respondents argue Petitioner reported his injury untimely.

After both parties stated their claim, Petitioner then motioned for a voluntary dismissal.

### **Decision**

This court grants Petitioner's motion for a voluntary dismissal.