

Oneida Tribal Judicial System

Onayote ʔ a·ka Tsiʔ Shakotiyaʔ Tolé hte

ONEIDA TRIBAL JUDICIAL SYSTEM TRIAL COURT

**Carol J. Bogda,
Petitioner**

Docket No: 08-TC-020

v.

Date: April 29, 2008

**Oneida HRD-Benefits and,
Crawford Insurance Company,
Respondents**

Dismissal

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Cristina Danforth, and Sandra Skenadore, presiding.

I Background

This case involves an alleged injury that occurred while at work. Respondents are denying this case because the Independent Medical Evaluation (IME) reported this injury is not work related.

On February 22, 2008 Petitioner, Carol J. Bogda, filed a petition against Respondents, Oneida HRD-Benefits and Crawford Insurance, for allegedly denying her claim for worker's compensation to cover her medical expenses. According to the memo Petitioner received, Respondents are denying her claim based on an IME report. The report claimed Petitioner should have been discharged to home exercise program.

On March 3, 2008 Respondent filed a Motion for an Extension due to a prior commitment. The court granted the Motion and set a new Pre-trial hearing date for April 17, 2008.

At the Pre-trial hearing Petitioner explained she is a Certified Nursing Assistant (CNA) with the Oneida Health Center and her alleged injury happened while she was transferring a patient, wherein she suffered a neck strain. Petitioner claims she has been seeing a chiropractor and Doctor O'Connor. Petitioner is seeking to have her medical bills paid.

Respondent agreed to pay all out of pocket expenses (\$298.14) up to March 27, 2008, plus out of pocket expense for the chiropractor bills that were submitted to the health provider up to January 3, 2008, but will not pay for any future treatment concerning this particular claim. Both parties made an oral motion to dismiss based on the above agreement.

II Decision

The Joint Motion to Dismiss is granted without prejudice.