

# **Oneida Tribal Judicial System**

Onayote ʔ a·ka Tsiʔ Shakotiyaʔ Tolé hte

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

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**Arleen A Jones,  
Petitioner**

**Docket No: 08-TC-021**

**v.**

**Date: May 5, 2008**

**Oneida HRD-Benefits and  
Crawford & Company,  
Respondent**

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### **Decision**

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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 claim because the Independent Medical Evaluation (IME) reported this injury is not work related.

On February 29, 2008 Petitioner, Arleen A. Jones, filed a petition against Respondent, Oneida HRD-Benefits and Crawford, for allegedly denying her claim for worker's compensation to cover her wages, transportation and medical expenses. According to the memo Petitioner received from Respondent, Respondent denied her claim based on an IME report. The report claimed Petitioner has a history of back problems making her condition pre-existing which caused her claim to be denied. In addition, the IME report stated this type of injury is unlikely to cause her this type of back condition and based on this report found Petitioner's injury as not work related.

On March 5, 2008 Respondent filed a Motion for an Extension due to a prior commitment. The court granted the Motion for an Extension and set a new Pre-trial hearing date for April 17, 2008.

At the Pre-trial hearing, Petitioner claims she was working at the coat check in the casino and that she was picking up hangers and hanger tickets from the floor when she felt pain to her back. Petitioner filed an injury report on December 19, 2007 claiming the injury date of December 18, 2007 at 10:35 pm. Petitioner admits to having Harrington rods in her back since 1984 and has not suffered any pain besides regular arthritis, but nothing like the pulled muscle she felt the night of the injury.

Respondents claim according to her medical history Petitioner has had a history of significant back problems since her fusion for a lumbar fracture and most recently in December 2007, just prior to the reported incident at the casino. Respondents denied her claim based upon the Independent Medical Examination report performed by Dr. Navjot Kohli. Dr. Kohli stated in his report that picking up hangers is a non-traumatic incident and would not expect an injury from this movement. Dr. Kohli added, the incident as reported was insignificant to cause her back condition. Respondents contend Petitioner's alleged injury is idiopathic, which was not caused by picking up hangers and hanger tickets from the floor. Therefore, Respondents assert this case should be dismissed in accordance with Oneida's Worker's Compensation Law, Article III (3-13) Not Covered Injury/Accidents:

1. Idiopathic injury, meaning an injury or condition arising from an obscure or unknown cause,

Respondents claim Petitioner bears the burden of proof to show that her claimed injury or condition resulted from her employment and she failed to do so. Furthermore, Respondents contend Ms. Jones had a pre-existing condition, which caused her claim to be not work related.

If Respondents contend to pursue a counterclaim then Rules of Civil Procedure, Rule 8, shall be followed.

**Findings of Fact**

Petitioner reached to pick up hangers and tickets and allegedly strained her back. Dr Kohli stated Petitioner's incident is not significant enough to cause her back condition. Respondents claim idiopathic injuries are not covered by Oneida's Worker's Compensation benefits. The court found Petitioner's injury is not significant enough to cause her back condition. This case is dismissed.

**II Decision**

Petitioner's claim is dismissed without prejudice.