

Oneida Tribal Judicial System

Onlayote ? a-ka Tsi? Shakotiya? Tolé hte

**Edward Smith,
Petitioner**

Docket No: 10-TC-017

v.

Date: April 1, 2010

**HRD-Benefits and,
Crawford & Company
Respondents**

Decision

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Stanley R. Webster, Mary Adams, and Leland Wigg-Ninham, presiding.

I Background

This case involves an injury claim for Worker's Compensation.

On February 18, 2010 Petitioner, Edward Smith, filed a claim against Respondents, HRD-Benefits and Crawford and Company, for allegedly denying him Worker's Compensation Benefits for the permanent disability to his knee. Respondents argue Petitioner's physician gave Mr. Smith a 5% Permanent Disability. Respondents conclude based on Oneida Worker's Compensation Law, 13.10-4, percentages exceeding seven and one half percent (7-1/2%) will be deemed compensable.

A hearing was scheduled for Thursday, April 1, 2010, Petitioner failed to appear. The court record shows all parties were mailed the summons to appear in court. Based on Petitioner's no show, the court dismissed this claim in accordance with Rules of Civil Procedure, Rule 16, the

court may grant a default judgment when the Petitioner fails to appear.

II Decision

The Court dismisses this case.