

# Oneida Appeals Commission

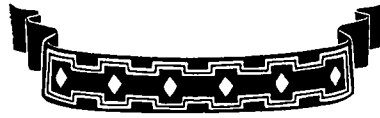
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## Pre Trial

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Carmen Pasquale

Petitioner,

Docket No. 03-TC-243

v.

Date: June 27, 2003

Oneida Human Resources  
Benefits Department and  
Crawford Insurance,

Respondents

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## Decision

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This case has come before the Oneida Appeals Commission. Judicial Officers Leland Wigg-Ninham, Stanley Webster and Winnifred Thomas presiding.

### I Background

The Petitioner, Carmen Pasquale, filed a claim with the Oneida Human Resource Department Benefits, for an injury she received on February 1, 2003 while working for the Observation Department, Gaming. The Petitioner is alleging that the injury she received is work related and is claiming \$1,211.95 in medical expenses. The Respondents denied the claim and are contending that the Petitioner failed to comply with the timelines in reporting the injury.

### II Issues

Under the Oneida Nation's Worker's Compensation Law, is the Petitioner eligible for Benefits?  
Is the Petitioner's injury work related?

### III Analysis

The primary issue is whether or not the Petitioner is eligible for Worker's Compensation and the other benefits requested. **Oneida Worker's Compensation Law, Article XI. Notices, Reports and Limitations, 9-1, Notice of the 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 representative within 48 hours of the accident causing the injury.*

The law is very clear on the time employees have to report injuries they receive while employed by the Oneida Tribe. The Petitioner failed to provide documentation or evidence to this court that she reported the injury in a timely manner.

The Respondents provided this court with sufficient evidence that the Petitioner failed to report the injury in the time specified in the Oneida Tribe's Workers Compensation Law, therefore, the second issue is moot. The Respondent made a motion to dismiss because the Petitioner failed to file her claim timely.

#### **IV Decision**

The request by the Respondents to dismiss this case because of the untimely filing by the Petitioner is granted. Judgement is entered in favor of the Respondents.