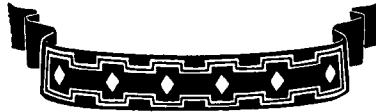


# Oneida Appeals Commission

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## Trial Court

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Kenneth Keith,  
Petitioner

Docket No. 03-TC-334

vs.

Oneida Human Resources Department  
Crawford Insurance,  
Respondents

Date: November 12, 2003

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## Final Decision

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This case has come before the Oneida Appeals Commission Trial Court. Judicial Officers Winnifred L. Thomas, Mary Adams, Kirby Metoxen, presiding.

### I Background

The petitioner filed for permanent partial disability due to a work related injury. In December of 2000, the petitioner slipped and fell in the employee parking lot while on his way to work, and soon was complaining of back and right leg pain. Medical review of the petitioner's injury at the time revealed a herniated disc in his back. This was corrected surgically in January of 2001 and the petitioner received compensation during his recovery time. In February of 2002, a final check by doctors indicated that the petitioner's healing time was completed.

In January of 2003, the petitioner underwent heart bypass surgery, and then visited doctors related to pain in his left leg. Examination of the petitioner has revealed a degenerative disc condition in his back, with stenosis (hardening) as well.

## **II Issue**

Is the petitioner's injury work related, entitling him to disability payments?

## **III Analysis**

In December of 2000, when the petitioner suffered a herniated disc due to a fall at work, the petitioner received worker's compensation for that injury. The injury was corrected and the healing was considered complete by doctors in February of 2002.

Under this current claim, there is no newly reported injury. The petitioner was compensated for injuries related to his fall. However, it is the finding of this court based upon the evidence presented that the degenerative condition of the petitioner's back was not caused by the fall and is not work related. The petitioner suffers from a degenerative disease in the discs of his spine. This is resulting in stenosis among the vertebrae and causing new pain, now in his left side and leg. However, this degenerative condition is not work related and is not compensable under the Worker's Compensation Law.

## **IV Decision**

Judgement is rendered in favor of the respondents and the petitioner's claim is denied.