

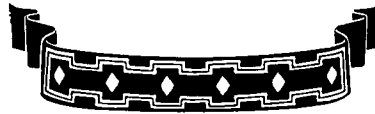
Oneida Appeals Commission

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Trial Court

Chantell M. Skenadore,

Petitioner

Docket No. 05-TC-016

vs.

Human Resources Department - Benefits,

Crawford and Company,

Respondents

Date: March 24, 2005

Decision

This case has come before the Oneida Appeals Commission Trial Court Judicial Officers, Mary Adams, Janice McLester, and Lois Powless, presiding.

I Background

On January 20, 2005 the Petitioner, Chantell Skenadore, filed for a hearing against the Respondent, Human Resources Department - Benefits, for denying her Worker's Compensation claim. A hearing date of February 24, 2005 was initially scheduled. Petitioner is a Retail Cashier for the Isbell Smoke shop. On February 16, 2005 Petitioner submitted a motion for an extension because she is unable to obtain medical documentation from her physician necessary to proceed with her case. The Court granted the motion and rescheduled the hearing for March 22, 2005.

II Issue

At the March 22, 2005 hearing, the parties argued the following issue:

Was Petitioner's injury work related?

III Analysis

Petitioner asserts that while she was at work on December 9, 2004, she stepped down off a step

and her knee popped. Petitioner claims that she needed a towel to dust while on duty at Isbell Smoke Shop. Since there were no custodial workers on duty during second-shift, Petitioner decided to retrieve a towel for herself which is up the steps from where she injured her knee. Petitioner contends her surgery was the result of the knee injury she suffered on December 9, 2004.

Respondent argues that medical documentation diagnosed Petitioner with degenerative joint disease or better known as arthritis. Furthermore, Respondent claims that Petitioner failed to give reason that her injury was "predominantly work related," adding that because an employee trips and falls does not always make it work related. Respondent contends that Petitioner's injury was not a result of the course of her duties according to Oneida Worker's Compensation Law, §13.3-12¹, states that the injury must be caused by an accident arising out of and in the course of employment. Respondent asserts that Petitioner was unsure as to why she was on the steps. Respondent claims Petitioner made three statements to two different individuals that she did not know why she was on the steps at the time of the incident.

Petitioner failed to persuade this court that her injury happened during her course of employment. Petitioner could have been acting outside her scope of work. Petitioner's testimony is inconsistent. Petitioner's Worker's Compensation claim that was filed on January 7, 2005 says she wasn't quite sure where she was coming from. Petitioner made several statements to other individuals that she wasn't sure why she was on the steps. At the hearing, Petitioner testified she was probably getting towels from the janitor's closet. Due to Petitioner variety of claims as to the reason for her being on the steps, this court denies Petitioner's claim. The Worker's Compensation Law is specific in that the injury must be caused in the course of her employment.

IV Decision

The court rules in favor of Respondent. Petitioner is not entitled to Worker's Compensation.

¹ Covered Injury/Accidents. Mental or physical harm to an employee caused by accident or disease and arising out of and in the course of employment. Injury includes mental harm or emotional stress or strain without physical trauma, which arises from exposure to conditions or circumstances beyond those common to occupational and/or non-occupational life and is predominantly work related, extraordinary and unusual.