

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Chad A. Wilson,
Petitioner

v.

CASE NO: 22-EMP-006

Government Administrative Office,
Respondent

DATE: August 8, 2022

FINAL ORDER

This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

Appearing in person: Lisa Summers and Attorney Peggy Van Gheem, representing Respondent.

Not appearing: Chad A. Wilson, Petitioner.

BACKGROUND

The Petitioner filed an appeal of his immediate supervisor's decision to separate him from employment due to job abandonment based on violations of the Oneida Personnel Policies and Procedures Manual for attendance and punctuality, and a pattern of unexcused or excessive absenteeism and/or tardiness. A pre-trial hearing was held on May 4, 2022. At the hearing, the parties agreed to participate in Peacemaking. The case was stayed pending the outcome of Peacemaking. On July 22, 2022, the Peacemaker informed the Court that Peacemaking reached an impasse and the parties would like to return to court. A status hearing was held on August 8, 2022.

ANALYSIS

If the Petitioner fails to prosecute or to comply with this Law or a Court order, a defendant may move to dismiss the action or any claim against it. (See 803.21-2). Unless the order states otherwise, a dismissal under section 803.21-2 operates as an adjudication on the merits. (See 803.21-2). Here, Petitioner failed to prosecute his claim because he did not appear for the hearing

held on August 8, 2022. As a result, Respondent motioned to dismiss with prejudice in accordance with section 803.21-2 of the Oneida Judiciary Rules of Civil Procedure. Because Petitioner failed to prosecute his claim, the Court granted Respondent's motion to dismiss with prejudice.

PRINCIPLES OF LAW

Title 8. Judiciary – Chapter 803 Oneida Judiciary Rules of Civil Procedure

803.21-2. Involuntary Dismissal; Effect. If the plaintiff fails to prosecute or to comply with this Law or a Court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision 803.21-2 and any dismissal not under this Rule—except one for lack of jurisdiction, improper venue, or failure to join a party—operates as an adjudication on the merits.

FINDINGS OF FACT

The Court finds as follows:


1. The Court has subject matter, personal and territorial jurisdiction over this matter.
2. Notice was given to all those entitled to notice.
3. A status hearing was held on August 8, 2022.
4. Petitioner did not appear.
5. Petitioner is in default for failure to appear.
6. Petitioner failed to prosecute his claim.

ORDER

This case is dismissed with prejudice.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary Trial Court pursuant to BC Resolution 03-13-19-C this Order is signed on August 8, 2022.



Layatalati Hill, Chief Trial Court Judge

