

FILED JAN 26 1996 *als*

TRIBAL COURT OF THE

CARRIE L. SVENDAHL
CLERK OF COURT

SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

Shawn Jay Uglum

Court File 062-95

Plaintiff,

v.

ORDER

Shakopee Mdewakanton Sioux
(Dakota) Community, and
Meadowbrook Insurance Group.

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on an appeal requested by Shawn Uglum, an employee of the Shakopee Mdewakanton Sioux (Dakota) Community/ Little Six, Inc., from a decision of the Hearing Examiner dismissing the Employee's Claim Petitions and denying the Employee's claim for benefits under the Community's Workers Compensation Ordinance. The worker's compensation claims are administered by the Meadowbrook Insurance Group.

The Court upon review of the Office of the Hearing Examiner file: SMSC 15360 and in due deliberation and inspection of the record, correspondence, pleadings, exhibits and evidence in this matter determines that the dismissal of the Employee's Claim Petition and the Hearing Examiner's denial of the Employee's claim for benefits is in conformity with the Community's Worker's Compensation Ordinance. The record clearly indicates a pre-existing condition established by medical evidence which is addressed by the Community's Ordinance Sections C.3.n. which provides: "a pre-existing condition, including a degenerative condition, established by medical evidence, whether pre post injury, which significantly causes, aggravates, or otherwise contributes to the disability or need for medical treatment is excluded from compensability."


No new work related injury occurred on March 25, 1995. The medical records as contained in this file show the employee has had ongoing manifestations of symptoms to his right shoulder as a result of prior motor vehicle accidents as early as 1993 and the indication of chiropractic treatments continuing up to said date are conclusive of a pre-existing condition.

The Hearing Examiner properly denied the employees claim for benefits in that employee cannot claim coverage and benefits for a pre-existing condition under the Community's Worker's Compensation Ordinance.

ORDER

For the foregoing reasons and based on all the pleadings and the materials herein, the decision of the hearing Examiner is affirmed.

January 26, 1996


Robert Grey Eagle
Judge of the Tribal Court