

ONAYOTE?A·KÁ· TSI? SHAKOTIYA?TO·LÉHTE?
APPELLATE COURT, INITIAL REVIEW

Docket/Parties: # 12-AC-024 Julie Mitchler vs Oneida HRD-Benefits, Crawford Insurance
Date Filed: December 19, 2012

Date of Initial Review: December 31, 2012, January 21, 2013

The purpose of Initial Review (IR) is to answer threshold questions regarding the jurisdiction of a case and the procedural and material sufficiency of the Notice of Appeal. IR will determine if a case is ripe for appellate review and if not ripe, will determine which Original Hearing Body (OHB) has jurisdiction. IR may affirm or overturn a single issue decision of an OHB where that similar issue has been settled as a matter of law by previous appellate court decisions. In accordance with the Oneida Nation Administrative Procedures Act, §XI, F and the Oneida Tribal Judicial System, Appellate Court, Rules of Appellate Procedure, the IR body shall accept an appeal when an Appellant **alleges with sufficient clarity** that the OHB **decision** contains one or more of the following elements:

1. ___ A violation of constitutional provisions.
2. ___ The decision is outside the scope of the authority or otherwise unlawful.
3. ___ The decision is clearly erroneous and is against the weight of the evidence presented at the hearing level.
4. ___ The decision is arbitrary and/or capricious
5. ___ There is exhibited a procedural irregularity which would be considered a harmful error that may have contributed to the final decision, which if the error had not occurred, would have altered the final decision.
6. ___ There is presentation or introduction of new evidence that was not available at the hearing level, which, if available, may have altered the final decision.

INITIAL REVIEW DECISION

Judicial Officers Winnifred L. Thomas, Jennifer Webster, Stanley R. Webster presiding.

This case is not accepted for review. Ms. Mitchler failed to perfect her initial filing by the required date of January 10, 2013.

In accordance with the Judicial Code, Rules of Appellate Procedure, Rule 2, (E): Starting an Appeal, Perfection of Notice: If the Appellant fails to provide a completed Notice of Appeal Form, the filing fee or waiver form, or any required documents or materials, the appellant shall be so notified of any filing deficiencies by the Clerk within five (5) days and shall have five (5) days from receipt of this notice to perfect the filing. Failure to perfect the filing within five (5) days shall result in the non-acceptance of the appeal.

**The Oneida Tribal Judicial System
P.O. Box 19, Suite # 1 Ridgeview Plaza
3759 West Mason Street, Oneida, WI 54155**

Lead Judicial Officer Signature and Date: Winnifred L. Thomas 1/21/13