

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

Docket/Parties: # 13-AC-008 Paul Spaulding vs Oneida Bingo & Casino, Susan Danforth

Date Filed: June 11, 2013

Date of Initial Review: June 17, 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, Janice L. McLester, Lois Powless presiding.

Not Accepted: This case was reviewed under Rules of Appellate Procedure, Rule 6 Interlocutory Appeals. The Initial Review Body concurs with the Oneida Personnel Commission's decision and affirms the Personnel Commission acted within their legal authority in the decision now presented for Appeal.

Rule 9(D) Initial Review, Criteria for Acceptance: The Initial Review Body shall accept an appeal for appellate review if one or more of the following elements (see the list above) are sufficiently alleged to exist in the original hearing body decision by the appellant in the Notice of Appeal. The Appellant did not sufficiently allege any of the elements existed in the Personnel Commission motion decision of May 28, 2013.

**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, 6/14/13