

**ONEIDA JUDICIARY APPELLATE COURT  
INITIAL REVIEW**

**Docket/Parties:** Case# 15-AC-001, Sharlene Kasee v. Colin Jordan, Oneida Bingo & Casino

**Date Filed:** January 6, 2015

**Date of Initial Review:** January 23, 2015; February 11, 2015; February 19, 2015

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 whether the Trial Court or 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. Pursuant to Oneida General Tribal Council Resolution 01-07-13-B adopting Chapter 150, the JUDICIARY law, Chapter 153, ONEIDA JUDICIARY RULES OF CIVIL PROCEDURE and Chapter 154, ONEIDA JUDICIARY RULES OF APPELLATE PROCEDURE, The Appellate Court shall accept an Appeal from the Decision of the Trial Court or Original Hearing Body, as specifically set forth in 154.3-1.(o), Initial Review, addressing the existence of any of 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**

Reviewing Oneida Appellate Judges: **Diane House, Chad Hendricks and Jennifer Hill-Kelley**

**TO: The Original Hearing Body and all parties in the above captioned case: Notice is hereby given that the Oneida Tribal Judiciary, Appellate Court, in consideration of the Court's action taken on February 11, 2014, said action being as follows:**

*TO: The Original Hearing Body and all parties in the above captioned case. Notice is hereby given that the Oneida Tribal Judiciary, Appellate Court has, upon further review, on its own Motion determined to Stay the decision on the adequacy of the Notice of Appeal to review documents demanded under 154.4-3, specifically any documents, and tribal authority, relied on and considered by the Personnel Commission that supported their findings of facts on the procedural issue on how the Personnel Commission responded to the Respondent's November 25, 2014 Request and/or Motion for Postponement. The Remand in this matter, dated 1-23-15 is hereby Stayed pending review of documents demanded pursuant to 154.4-3. Further, the Court on its own Motion, pursuant to 154.4-2, hereby directs and orders expedited production of the documents demanded in order to consider whether the Notice of Appeal adequately meets the criteria for Appeal as set forth in 150.8-4. (a) (b) (c) (d) and the Initial Review Form. The Oneida Trial Court or Original Hearing Body in the above captioned case was ordered to mail or deliver said documents within five working days.*

**And in accordance with 154.10-3, has hereby determined to extend the timeline to respond to Respondent's Motion for Clarification, which was filed with the Oneida Tribal Judiciary on February, 5, 2015. This extension will be for 10 (days), pending compliance of the above referenced order to the Original Hearing Body that was issued on February 11, 2014.**

Presiding Judge Signature: \_\_\_\_\_

*Diane House*

Date: 2-19-15