

COURT OF APPEALS

Diana Brabbs,

Appellant,

Case #: 16-AC-012

v.

December 27, 2016

Oneida Housing Authority,

Respondent.

INITIAL REVIEW DECISION

Reviewing Oneida Judiciary Appellate Judges: Diane House, Chad Hendricks, and Sharon House.

Background

On November 28, 2016, Appellant Diana Brabbs (hereinafter “Brabbs”) petitioned the Oneida Judiciary Trial Court (hereinafter “Trial Court”) for a Temporary Restraining Order (“TRO”) to stay her eviction from her residence located at: N6490 Evergreen Drive, Oneida, WI. The Trial Court granted the TRO, but after a hearing held on November 30, 2016, upheld the eviction and termination of Brabbs’ Rental Agreement with the Oneida Housing Authority. Brabbs filed a Notice of Appeal on December 12, 2016, and a Motion to Stay her eviction with the Court of Appeals on December 13, 2016.

Decision

After review of the information contained in the Notice of Appeal and the decision of the Trial Court as the original hearing body, it is determined that Brabbs has not sufficiently alleged that the Trial Court’s decision:

1. Violates applicable provisions of the Constitution;
2. Violates provisions, substantive or procedural, of applicable Tribal law or applicable federal law;

3. Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; or
4. Is not supported by the substantial evidence on the record taken as a whole, nor has new evidence been presented that was unavailable at the time of the hearing, which, if available, may have altered the final decision.

Brabbs thus failed to state the legal grounds for her appeal under On.R.Civ.P. §154.5-2(c)(3). Therefore, the Trial Court's Order upholding the Eviction and Termination of the Oneida Housing Authority Rental Agreement of Brabbs is AFFIRMED.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolution 01-07-13-B, this appeal is hereby **DENIED**. The Motion to Stay is **DENIED**.

It is so ordered.