
**ONEIDA JUDICIARY
TRIAL COURT**

**Liane F. Melchert
Petitioner**

v.

Case No: 16-TC-029

**Oneida Tribe of Indians Wisconsin
Division of Land Management
Respondent**

ORDER

This case has come before the Oneida Trial Court, Honorable John E. Powless, III presiding.

Background

On April 25, 2016, a Hearing was held regarding the Petitioner's Motion to Reopen Eviction Complaint with the Oneida Land Commission. On May 3, 2016, the Oneida Land Commission, the Original Hearing Body, rendered a Final Decision.

Findings

1. This court does not have jurisdiction over this matter.
2. The Oneida Land Commission is the original hearing body to hear this matter.
3. The appropriate body to hear any appellate action, where an original hearing body made a decision, is the Oneida Judiciary Court of Appeals.

Analysis

The purpose of Administrative Procedures Act (APA) is to provide procedures for boards, committees and commissions that conduct hearings for disputes arising under Tribal law. The Oneida Land Commission is such a commission. The Oneida Land Commission is the Original Hearing Body of the Division of Land Management. The Land Commission is required to follow the hearing procedures identified in the APA.

According to the APA, a party may appeal a decision of a hearing body to the Court of Appeals in accordance with the Judiciary law and any applicable rules of procedure. The Rules of Appellate Procedure identifies the appropriate appellate process when the Oneida Judiciary Trial Court or an Original Hearing Body renders a decision. The Rules of Appellate Procedure provides as follows:

154.5. Initiating the Appeal

154.5-1. *Right of Appeal.* Any party to a civil action, who is aggrieved by a final judgement or order of the Trial Court or original hearing body, may appeal to the Court of Appeals.

(a) In any case brought by appeal, the Appellant may petition the Court for an order staying the judgment or order. A stay shall be granted in all cases in which it is requested unless plain and obvious injustice would result from granting the stay. The Court may render a stay conditioned upon execution of a bond to guarantee performance of the judgment or order when deemed necessary.

(b) In the event the appeal or request for stay is denied, the Court shall state the reasons for the refusal within thirty (30) days of the receipt of the Notice of Appeal.

Decision

The request for a temporary restraining order is denied.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council and Order signed on May 12, 2016 in the matter of *Liane F. Melchert vs. Oneida Tribe of Indians of Wisconsin, Division of Land Management.* Case # 16-TC-029.