
**ONEIDA JUDICIARY
TRIAL COURT**

**Elijah G. Metoxen,
Petitioner**

v.

Case No: 16-TC-052

**Oneida Human Resources Department,
Respondent**

DECISION

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

This matter came on for a hearing on the 26th day of July, 2016.

Appearing in person: Petitioner: Elijah G. Metoxen. Respondents: Oneida Human Resources Department – Geraldine Danforth and Attorney Patricia M. Stevens Garvey.

Background

On July 15, 2016, Petitioner filed a civil action attempting to stop the current Interim Area Manager of Parks and Recreation from being hired full-time.

On July 26, 2016 a hearing was held. Respondent filed a Motion to Dismiss based on lack of subject matter jurisdiction; improper venue; and insufficient process. Both parties were given an opportunity to be heard and the court issued an order.

Analysis

Subject Matter Jurisdiction:

Pursuant to Oneida Code of Laws 150.5-2, the Trial Court shall have subject matter jurisdiction over a matter if it arises under certain circumstances. In this case, the Court is not satisfied that any of those circumstances apply. As the Court determines that it does not have subject matter jurisdiction, Respondent's Motion to Dismiss is granted.

Findings of Fact

The court finds as follows:

1. The Court does not have subject matter jurisdiction over this matter.
 - a. There is no Tribal law specifically authorizing the Trial Court to exercise jurisdiction over this employment matter.
 - b. The Constitution does not provide for subject matter jurisdiction in this case.
 - c. There was no “benefit” provided or denied in this case.
 - d. There is no written contract in this matter.
 - e. Petitioner did not seek a declaratory judgment to determine the validity of a Tribal law.
 - f. This is not a small claims action.
2. Petitioner did not bring forth a complaint with the Oneida Personnel Commission.
3. Petitioner did not file a complaint with the Human Resources Department.

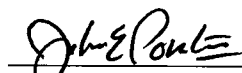
Decision

The court enters the following decision:

1. Respondent’s Motion to Dismiss is hereby granted and case #16-TC-052 is dismissed without prejudice.

IT IS SO ORDERED.

By the authority vested in the Oneida Trial Court pursuant to Resolution 01-07-13-B of the General Tribal Council an order for dismissal signed on July 26, 2016 in the matter of *Elijah G. Metoxen v. Oneida Human Resources Department*. Case #16-TC-052.



John Powless III
Trial Court Judge