

COURT OF APPEALS

Elizabeth Somers, Director,
Governmental Services Division,
Appellant,

Case #: 17-AC-002

v.

February 3, 2017

Debra Powless,
Respondent.

INITIAL REVIEW DECISION

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

The Appellant filed a Notice of Appeal with this Court on January 13, 2017. After review of the information contained in Notice of Appeal and the decision of the Oneida Personnel Commission, it is determined that the Appellant has sufficiently alleged that the decision:

Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; and

Is not supported by the substantial evidence on the record taken as a whole, or there is new evidence that was unavailable at the time of the hearing, which, if available may have altered the final decision.

Based upon the above, this appeal is **ACCEPTED** for review.

TO THE ONEIDA PERSONNEL COMMISSION: As the original hearing body in the above captioned case, Notice is hereby given that the Oneida Judiciary, Court of Appeals has taken jurisdiction of this case and requires the hearing record as set forth in 154.8-4(a), "The record of the case shall consist of all papers filed with the Trial Court or original hearing body, exhibits, a

transcript or audio recording of the proceedings, and the final decision of the Trial Court or original hearing body.” The record shall be filed with the Court of Appeals within thirty (30) calendar days upon receipt of this notice.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolution 01-07-13-B, the appeal is ACCEPTED this 3rd day of February, 2017 in the matter of *Elizabeth Somers, Director, Governmental Services Division v. Debra Powless*, Case # 17-AC-002.

It is so ordered.