

COURT OF APPEALS

Jessica Oakley,

Appellant,

Case #: 17-AC-005

v.

April 4, 2017

Shawn Skenandore,

Respondent.

INITIAL REVIEW DECISION

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

BACKGROUND

On February 1, 2017, the Oneida Family Court held a second hearing on Respondent Shawn Skenandore's (hereinafter "Skenandore") Motion for Modification of Legal Custody and/or Child Placement in the matter of *OTCSA & Jessica G. Oakley v. Shawn A. Skenandore*, Case #10-CS-106. Appellant Jessica Oakley (hereinafter "Oakley") did not appear at this hearing; and was found to be in default. On February 6, 2017, the Oneida Family Court issued its decision and order (hereinafter "Order") in Case #10-CS-106. On March 7, 2017, Oakley filed an appeal of this Order with the Oneida Judiciary-Court of Appeals.

DECISION

After review of the information contained in the Notice of Appeal and the decision of the Family Court as the original hearing body, it is determined that Oakley has not sufficiently alleged that the Family 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.

Oakley's confusion on her hearing dates, which resulted in her failure to appear at her Family Court hearing, is not sufficient legal grounds to grant an appeal of the Order issued by the Family Court judge in this matter. Thus, Oakley fails to state the legal grounds for her appeal under Oneida Rule of Appellate Procedure §154.5-2(c)(3). Therefore, the Family Court's Order signed on February 6, 2017, in the matter of OTCSA & Jessica G. Oakley v. Shawn A. Skenandore, Case #10-CS-106, 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**.

It is so ordered.