

COURT OF APPEALS

Jennifer Falck,

Appellant,

Case No. 17-AC-008

v.

Date: June 30, 2017

Taniquele Turner,

Respondent.

INITIAL REVIEW DECISION

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

The Appellant Jennifer Falck (hereinafter “Falck”) filed a Notice of Appeal with this Court on June 8, 2017. After review of the information contained in the Notice of Appeal and the May 12, 2017 decision of the Oneida Personnel Commission, it is determined that per the Oneida Rules of Appellate Procedure §805.5-2(c)(3), Falck has sufficiently alleged the decision:

1. Violates provisions, substantive or procedural, of applicable Tribal law or applicable federal law;
2. Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; and
3. 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 §805.8-4(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 Resolutions 01-07-13-B and 3-19-17-A, this appeal is **ACCEPTED** for review this 30th day of June 2017, in the matter of Case No. 17-AC-008, *Jennifer Falck v. Taniquelle Thurner*.

It is so ordered.