

**COURT OF APPEALS**

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Roberta Martin, Slots Department,  
Appellant,

Case No.: 18-AC-003

v.

Date: May 30, 2018

Garon Smith,  
Respondent.

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**INITIAL REVIEW DECISION**

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This matter has come before Appellate Judges Sharon House, Leland Wigg-Ninham and Susan G. Daniels.

The Appellant, Roberta Martin (hereinafter, "Martin"), per §805.5-2(a) of the Rules of Appellate Procedure, filed a Notice of Appeal with this Court on April 30, 2018. After review of the information contained in Notice of Appeal and the March 28, 2018 decision of the Oneida Personnel Commission, it is determined that pursuant to §805.5-2(c)(3), Martin has sufficiently alleged that 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/or
3. Is not supported by the substantial evidence on the record taken as a whole.

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 03-19-17-A, the appeal is **ACCEPTED** for review. Dated this 30th day of May, 2018 in the matter of Case No. 18-AC-003, *Roberta Martin, Slots Department v. Garon Smith*.

***It is so ordered.***