

COURT OF APPEALS

Elizabeth J. Somers,

Appellant,

v.

Case No.: 18-AC-007

Oneida Business Committee Officers,
Melinda Danforth, Vice Chairwoman,
Patricia King, Treasurer, and
Lisa Summers, Secretary,

Date: September 27, 2018

Respondents.

INITIAL REVIEW DECISION

This matter has come before Chief Appellate Judge Gerald L. Hill, and Appellate Judges, Chad Hendricks, Sharon House, and Leland Wigg-Ninham.

The Appellant filed a Notice of Appeal with this Court on August 28, 2018. After review of the information contained in Notice of Appeal and the decision of the Oneida Judiciary Trial Court, it is determined that the Appellant has sufficiently alleged that the decision, dated August 17, 2018:

- 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;
- 4) Is not supported by the substantial evidence on the record taken as a whole.

The respondents are named in their capacity at the time the original personnel action against the petitioner was taken and which was the basis of the Trial Court's decision.

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

TO THE TRIAL COURT OF THE ONEIDA JUDICIARY: 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 27th day of September 2018, in the matter of Case No. 18-AC-007, *Elizabeth J. Somers v Oneida Business Committee Officers, Melinda Danforth, Vice Chairwoman, Patricia King, Treasurer, and Lisa Summers, Secretary.*

It is so ordered.