

COURT OF APPEALS

Dianne McLester-Heim,

Appellant,

Case No. 19-AC-002

v.

Date: March 4, 2019

Evelyn Stevens,

Respondent.

INITIAL REVIEW DECISION

This matter has come before Appellate Judges Chad Hendricks, Susan G. Daniels, and Sharon House.

The Appellant Dianne McLester-Heim (hereinafter “McLester-Heim”), Supervisor at the Oneida Comprehensive Health Division, filed a Notice of Appeal with this Court on January 31, 2019. Due to inclement weather, the Oneida Nation offices, including the Judiciary, were closed on January 30, 2019, the due date for filing a Notice of Appeal in this case. Pursuant to Rules of Appellate Procedure, §805.4-1, this filing is considered timely. After review of the information contained in Notice of Appeal and the December 31, 2018 decision of the Oneida Judiciary Trial Court, it is determined that per §805.5-2(c)(3), McLester-Heim has sufficiently alleged the decision:

- Violates provisions, substantive and procedural, of applicable law or applicable federal law;
- 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.

Based upon the above, this appeal is ACCEPTED for review. The Trial Court caption includes the Comprehensive Health Division as a party, however, the actual respondent is Evelyn Stevens

(hereinafter “Stevens”). Therefore, the case name shall only reflect Stevens as the respondent.

TO THE ONEIDA JUDICIARY TRIAL COURT: 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. Dated this 4th day of March 2019, in the matter of Case No. 19-AC-002, *Dianne McLester-Heim v. Evelyn Stevens*.

It is so ordered.