

COURT OF APPEALS

Loretta V. Metoxen,

Appellant,

v.

Reginald Doxtater, Sr.,

Respondent.

Case No. 19-AC-003

Date: April 26, 2019

INITIAL REVIEW DECISION

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

The Appellant, Loretta V. Metoxen (hereinafter “Metoxen”), Tribal Historian for Cultural Heritage Department, filed a Notice of Appeal with this Court on April 4, 2019, appealing the decision of the Trial Court, dated March 11, 2019, upholding her lay off. After review of the information contained in the Notice of Appeal and the decision of the Oneida Judiciary Trial Court, it is determined that Metoxen has sufficiently alleged that the decision:

1. Violates provisions, substantive and procedural, of applicable 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.

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

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 26th day of April 2019, in the matter of Case No. 19-AC-003, *Loretta V. Metoxen v. Reginald Doxtater, Sr.*

It is so ordered.