

Oneida Tribal Judicial System

OnΛyote ʔ a-ka Tsiʔ Shakotiyaʔ Tolé hte

Trial Court

Brandon J. Cooper,
Petitioner

Docket No. 07-TC-089

v.

Date: July 11, 2007

Oneida Seven Generations Corp.,
Respondent

Decision

This case is now before the Oneida Appeals Commission, Trial Court. Judicial Officers: Mary Adams, Robert Christjohn and Gerald Cornelius, presiding.

I History

On June 8, 2007 Petitioner, Brandon J. Cooper filed a petition against Respondent, Oneida Seven Generations Corporation, alleging he was wrongfully terminated. Furthermore, Petitioner asserts his alleged wrongful termination was based on retaliation complaints related to the Indian Preference Law.

On June 28, 2007 Respondent filed a Motion for Involuntary Dismissal based on: 1. failing to establish a right of relief based upon Petitioner's facts and law; and 2. the Oneida Appeals Commission lacks jurisdiction.

The court finds this case may not be ripe for adjudication according to Petitioner's claim that his termination was based on retaliation complaints related to the Indian Preference Law. According to the Indian Preference Law, 57.12, if a complaint of retaliation is alleged it is the opinion of

this court that the procedure of 57.12 should be followed. Prior to the procedure of 57.12, this court can not rule on Respondent's motion as this case must follow the process defined in the Indian Preference Law.

II Decision

This case is dismissed without prejudice.

It is so ordered.