

Oneida Appeals Commission

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Trial Court

Tonya Boucher,

Petitioner

Docket No. 03-TC-320

vs.

Oneida Gaming Commission,

Respondent

Date: July 16, 2003

Court Order

This case has come before the Oneida Appeals Commission. Lead Judicial Officer, Mary Adams, Stanley R. Webster and Leland Wigg-Ninham, presiding.

I Background

On June 27, 2003 the Petitioner, Tonya Boucher, received a (3) three-week Investigative Leave notice. A hearing was scheduled for July 11, 2003 at 10:00 am to address the injunction that was filed by the Petitioner. On July 11, 2003, the Petitioner filed a Notice of Withdrawal and dismissal of the case without prejudice. The Respondent had informed the Petitioner of their decision to rescind the Investigative Leave of the Petitioner. The Respondent agreed to reinstate the Petitioner in her position, to provide back pay and all benefits for the period of the investigative leave and allow the Petitioner to return to work on July 14, 2003. The Petitioner cites the Rules of Civil Procedure, Rule 14 (A-1).¹

II Decision

The court grants the motion to dismiss without prejudice.

¹. RCP, Rule 14(A-1); A party may move the trial court to dismiss that party's claim and the trial court shall do so with or without prejudice as is just and proper given the stage of the proceedings.