

Oneida Appeals Commission

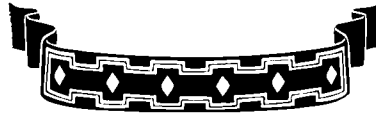
OnΛyote ʔ aka Tsiʔ Shakotiyaʔ Tolé hte

Phone: 920-497-5800

Fax: 920-497-5805

Post Office Box 19

Oneida, WI 54155



Trial Court

Ronda Skenandore,
Petitioner

Docket No. 05-TC-141

vs.

Oneida Central Accounting - Wendy Charnon,
Respondent

Date: November 10, 2005

Motion for an Injunction

This case has come before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Dorothy Ninham, and Lois Powless, presiding.

I Background

On October 31, 2005, Petitioner, Ronda Skenandore, filed a Motion for an Injunction hearing to temporary restrain Respondent, Oneida Central Accounting, from levying her wages until she receives a satisfactory delineation of a definite tax liability from the Internal Revenue Service.

II Issue

Is it appropriate for Petitioner to file for an Injunction hearing to prevent the IRS from attaching her wages?

II Analysis

Petitioner claims she received a memo from the Internal Revenue Service informing her that the amount up to \$157.69 will deducted from her weekly wages. Petitioner argues she has been in

contact with the IRS disputing the charges and the IRS has not gave her a final decision. The charges are stemming from a 2001 and 2002 income tax issue.

The Garnishment Resolution # BC - 04-02-97G, allows the garnishment of tribal employees. It does not allow appeals from foreign judgements. The IRS is not petitioning the tribe for garnishment. The IRS informs the employer that they are attaching the employee's wages. The IRS issues a levy and the IRS enforces that levy. When the IRS issues a levy, it is not within this court's authority to stop that levy. All IRS disputes must be made directly to them. This levy is similar to child support attachments, they go directly to Oneida Central Accounting for enforcement.

III Decision

Petitioner's request for an injunction hearing to decide whether the Oneida Central Accounting should or should not start garnishing her wages is hereby denied.