

COURT OF APPEALS

Travis Wallenfang,
Appellant,

Case No.: 20-AC-002

v.

Date: August 27, 2020

Oneida Business Committee, and
Oneida Election Board,
Respondents.

INITIAL REVIEW DECISION

Reviewing Appellate Judges: Appellate Judges, Chad Hendricks and Patricia M. Garvey, Chief Appellate Judge, Gerald L. Hill.

BACKGROUND

On August 25, 2020, the Appellant, Travis Wallenfang (hereinafter “Wallenfang”) filed a Notice of Appeal with this Court. Wallenfang is appealing the Final Order of the Oneida Trial Court (hereinafter “TC”) dated August 18, 2020, in Dallas, et al v. Oneida Business Committee and Oneida Election Board, Case Number 20-TC-010, wherein the TC dismissed Wallenfang’s claims because he failed to appear at a hearing held August 12, 2020. Wallenfang claims that he was not properly notified of the August 12, 2020, hearing. On August 26, 2020, the Respondents, Oneida Business Committee and Oneida Election Board, filed correspondence in regard to Wallenfang’s filing here.

DECISION

After reviewing the information contained in the Notice of Appeal, the responses provided by the Oneida Business Committee and Oneida Election Board, and the TC’s decision, it is determined that Wallenfang has not sufficiently alleged that the decision:

1. Violated applicable provisions of the Constitution;
2. Violated provisions, substantive or procedural, of applicable Tribal law or applicable federal law;

3. Is an administrative decision that is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with applicable law; or
4. Is not supported by the substantial evidence on the record taken as a whole.

Wallenfang asserts he was not properly notified of the hearing which occurred on August 12, 2020. This assertion is incorrect. On August 3, 2020, Wallenfang filed a Civil Complaint and Consent to Electronic Service with the TC. On August 4, 2020 the TC issued an *Order to Consolidate* which contained a briefing schedule. The briefing schedule stated “[a] final hearing will be scheduled on Wednesday, August 12, 2020 at 9:30 a.m.” The TC clerk sent Wallenfang the *Order to Consolidate*, via email, at 3:53 p.m. on August 4, 2020. The same day, Wallenfang acknowledged that he received the *Order to Consolidate* at 7:22 p.m. Therefore, Wallenfang was properly notified of the August 12, 2020 hearing. The TC was correct when it found Wallenfang in default and dismissed his case for failing to appear at the hearing on August 12, 2020 in accordance with ONEIDA JUDICIARY RULES OF CIVIL PROCEDURE 803.29-3. All other matters raised by Wallenfang are moot. Therefore, this case is denied for appellate review.

By the authority vested in the Oneida Judiciary, Court of Appeals, in Oneida General Tribal Council Resolutions 01-07-13-B and 03-19-17-A, the appeal is **DENIED** for review. Dated this 27th day of August 2020, in the matter of Case No. 20-AC-002, *Travis Wallenfang v. Oneida Business Committee and Oneida Election Board*.

It is so ordered.