

## COURT OF APPEALS

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Deborah Thundercloud and  
Jacqueline Smith,

Appellants,

Case No.: 21-AC-008

v.

Date: July 28, 2021

Melissa R. Skenandore,

Respondent.

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### INITIAL REVIEW DECISION & NOTICE

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This matter has come before Appellate Judges, Diane House, Leland Wigg-Ninham and Jean Webster (pro tempore).

On July 7, 2021, the Appellants, Deborah Thundercloud and Jacqueline Smith (hereinafter “Thundercloud/Smith”), timely filed a Notice of Appeal of the Oneida Trial Court decision issued on June 21, 2021, wherein the termination of the Respondent, Melissa R. Skenandore, was overturned. After review of the information contained in Notice of Appeal and decision of the Trial Court, per the Oneida Judiciary Law, §801.8-4, it is determined that Thundercloud/Smith have sufficiently alleged the decision:

- 1) Violates provisions, substantive or procedural, of applicable Tribal 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/or
- 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.

Thundercloud/Smith has also requested a stay of the Trial Court Order pending appeal. Per Rules of Appellate Procedure §805.5-1(a), the stay is GRANTED.

The Court of Appeals has jurisdiction of this matter pursuant to §801.8-2(a)(1), which grants this Court jurisdiction to review orders, sentences and judgments of the Trial Court.

**TO THE ONEIDA TRIAL COURT:**

As the original hearing body in the above captioned case, Notice is hereby given that the Oneida Court of Appeals has taken jurisdiction of this case and requires the hearing record as set forth in the Rules of Appellate Procedure, §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 03-19-17-A, this appeal is ACCEPTED for review and the stay is GRANTED. Dated this 28th day of July 2021, in the matter of Case No. 21-AC-008, *Deborah Thundercloud and Jacqueline Smith v. Melissa R. Skenandore.*

***It is so ordered.***