

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

Travis J. Wallenfang,
Petitioner

v.

CASE NO: 23-EMP-006

**Oneida Nation Department of Public Works-
Indian Preference Department,
Respondent**

DATE: May 25, 2023

FINAL ORDER

This case has come before the Oneida Trial Court, Honorable Layatalati Hill presiding.

BACKGROUND

The Petitioner filed an appeal of the Area Manager's decision denying Petitioner's appeal for termination from employment.

ISSUES

The Court must determine if the filing was timely. If so, the Court must determine if the decision of the Area Manager was clearly against the weight of the evidence and if procedural irregularities were exhibited during the appeal process that were harmful to Petitioner.

1. Was Petitioner's appeal of the Area Manager's decision to the Oneida Trial Court filed within ten business days after receiving the Area Manager's decision.

ANALYSIS

Was Petitioner's appeal of the Area Manager's decision to the Oneida Trial Court filed within ten business days after receiving the Area Manager's decision

Petitioner is required to appeal the Area Manager's decision to the Oneida Trial Court within ten business days after receiving the Area Manager's decision. Here, Petitioner received the Area Manager's decision on April 25, 2023. Petitioner appealed the Area Manager's decision to the Oneida Trial Court on May 16, 2023. This is fifteen business days after receiving the Area Manager's decision. Therefore, the Petitioner's appeal of the Area Manager's decision to the Oneida Trial Court is untimely and cannot be heard.

As a result of the untimely filing, the Court is unable to address whether there were procedural irregularities that were harmful to Petitioner or if the decision of the Area Manager was clearly against the weight of evidence. Therefore, this case must be dismissed as untimely and the decision of the Area Manager denying Petitioner's appeal must be upheld, without a hearing.

FINDINGS

- 1. The Court has subject matter and personal jurisdiction over this matter.
- 2. Notice was given to all those entitled to notice.
- 3. Petitioner received the Area Manager's decision on April 25, 2023.
- 4. Petitioner appealed the Area Manager's decision to the Oneida Trial Court on May 16, 2023.
 - a. This is fifteen business days after receiving the Area Manager's decision.

PRINCIPLES OF LAW

Oneida Nation Personnel Policies and Procedures Manual (OPPP):
Section V.D.6.b. Filing a Complaint.

- 1) An employee may appeal the Area Manager's decision to the Oneida Personnel Commission by filing a complaint with the Human Resources Department on behalf of the Oneida Personnel Commission.
 - a. The employee shall file the appeal within ten (10) working days from the employee's receipt of the Area Manager's decision

ORDER

Petitioner's appeal to the Oneida Trial Court is denied for a hearing because the filing was untimely, and the decision of the Area Manager is AFFIRMED.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary Trial Court pursuant to BC Resolution 03-13-19-C this Order is signed on May 25, 2023



Layatalati Hill, Chief Trial Court Judge