

COURT OF APPEALS

Kyle J. Wisneski,
Appellant,

Case No.: 23-AC-003

v.

Date: August 2, 2023

Mark W. Powless,
Tsyunhehkwa,
Respondent.

INITIAL REVIEW DECISION AND NOTICE

This matter has come before Appellate Judges Patricia M. Garvey, Diane House, and Michele Doxtator.

JURISDICTION

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

BACKGROUND

The Appellant, Kyle Wisneski, (hereinafter “Wisneski”) was terminated from his position as Tsyunhehkwa Manager. The Area Manager upheld the termination. Wisneski then filed an employee grievance complaint with the Oneida Trial Court (hereinafter “TC”). On June 6, 2023, the TC issued a Final Order wherein the Area Manager’s decision was upheld. On July 5, Wisneski filed a Notice of Appeal with this Court.

DECISION

After review of the information contained in the Notice of Appeal and the decision of the TC, it is determined that Wisneski has sufficiently alleged the decision:

- 1) Violates provisions, substantive or procedural, of applicable Tribal law or applicable federal law; and
- 2) Is not supported by the substantial evidence on the record taken as a whole.

Based upon the information submitted by Wisneski, this appeal is **ACCEPTED** for appellate review.

NOTICE TO THE ONEIDA TRIAL COURT:

As the original hearing body in the above captioned case, Notice is hereby given that the Court of Appeals has taken jurisdiction of this case and requires the hearing record as set forth in 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, the appeal is **ACCEPTED** for review. Dated this 2nd day of August 2023, in the matter of Case No. 23-AC-003, *Kyle J. Wisneski v. Mark W. Powless, Tsyunhehkwa.*

It is so ordered.