

COURT OF APPEALS

Luther J. Laster,

Appellant,

Case No.: 24-AC-002

v.

Date: April 17, 2024

Lambert Metoxen,

Table Games Department,

Respondent.

INITIAL REVIEW DECISION

This matter has come before Oneida Judiciary Appellate Judges Michele Doxtator, Daniel Cornelius, and Chief Appellate Judge Patricia Garvey.

BACKGROUND

The Appellant, Luther J. Laster (hereinafter “Laster”), was issued a written warning on January 13, 2024, for having a combination of 12 exception reports and/or procedure infractions within a 12-month period in violation of Standard Operating Procedures Table Games Infraction Accountability (hereinafter “SOPTG-30”) and Oneida Personnel Policies and Procedures Manual (hereinafter “OPPP”). On January 25, 2024, Laster appealed the written warning to the Area Manager, Lambert Metoxen (hereinafter “Metoxen”). On February 15, 2024, Metoxen upheld the written warning. On February 21, 2024, Laster filed an employee grievance complaint with the Oneida Trial Court (hereinafter “TC”) alleging that a procedural irregularity occurred. On February 19, 2024, the TC upheld the Area Manager’s decision. On March 28, 2024, Laster filed his Notice of Appeal with this Court.

ANALYSIS

After review of the information contained in the Notice of Appeal and the decision of the TC as the original hearing body, it is determined that Laster has not sufficiently alleged that the Trial Court’s decision:

1. Violated provisions, substantive or procedural, of applicable Tribal law or applicable federal law.

The TC denied the appeal and affirmed the Area Manager's decision because Laster did not meet either of the following conditions as outlined in section V.D.6.d.1 of the OPPP;

- a. The decision of the Area Manager is clearly against the weight of the evidence and/or,
- b. Procedural irregularities were exhibited during the appeal process that may have been harmful to one of the parties in the grievance.

Laster, by his own admission, had 12 exception reports within a 12-month period in violation of the SOPTG-30¹. The TC found Laster was provided ample opportunity to correct negative behavior after each exception report.

Although Laster argues the incorrect designation of the Area Manager caused him harm, he does not provide a legal argument proving he has been harmed. This matter was addressed in the TC decision. Pursuant to Oneida Judiciary Law, §801.8-3(b), the burden of persuasion is on the appellant. While Laster claims the incorrect Area Manager reviewed his appeal, he does not provide proof that the TC's finding regarding this matter was made in error.

DECISION

For the reasons set forth above, Laster's appeal before this Court is DENIED. The decision of the Trial Court is AFFIRMED.

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 17th day of April 2024, in the matter of Case Number 24-AC-002, *Luther J. Laster v. Lambert Metoxen, Table Games Department*.

It is so ordered.

¹ SOPTG-30 section 3.1 In the event an Exception Report, Procedure Infraction, Recovered Monetary Error, Surveillance Report, or Unrecovered Monetary error occur; an employee may be held accountable. Section 3.4 Any combination of six (6) Exception Reports and/or Procedure Infractions within a 12-month period.