

COURT OF APPEALS

Michelle Nicholas,
Appellant,

Case No.: 24-AC-005

v.

Date: July 16, 2024

Lambert Metoxen,
Table Games Department,
Respondent.

INITIAL REVIEW DECISION AND NOTICE

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

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 orders, sentences and judgments of the Trial Court.

BACKGROUND

The Appellant, Michelle Nicholas, (hereinafter “Nicholas”), filed a Notice of Appeal with this Court on July 2, 2024. After review of the information contained in Notice of Appeal and the decision of the Trial Court, it is determined that Nicholas has sufficiently alleged the Trial Court decision:

- 1) Violates applicable provisions of the Oneida Constitution;
- 2) Violates 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; and/or
- 4) Is not supported by the substantial evidence on the record taken as a whole.

DECISION

Based upon the information submitted by Nicholas, 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 16th day of July 2024, in the matter of Case No. 24-AC-005, *Michelle Nicholas v. Lambert Metoxen, Table Games Department*.

It is so ordered.