

## COURT OF APPEALS

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Lennette R. White,  
Appellant,

Case Number: 24-AC-006

v.

Date: August 14, 2024

Table Games Department,  
Respondent.

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### INITIAL REVIEW DECISION

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

#### BACKGROUND

On April 23, 2024, the Appellant, Lennette R. White (hereinafter “White”), was issued a ten (10) day suspension. On May 7, 2024, White appealed the disciplinary action to the Area Manager (hereinafter “AM”), Lambert Metoxen. On May 30, 2024, Mr. Metoxen recused himself. On that same date, Shelly Stevens reviewed the appeal and issued a decision upholding the suspension. On June 13, 2024, White filed an appeal with the Oneida Trial Court challenging the AM decision. On June 17, 2024, the Trial Court upheld the AM’s decision. On July 17, 2024, White filed a Notice of Appeal with this Court seeking to reverse the Trial Court decision. The Appeal is denied.

#### ANALYSIS

The Oneida Personnel Policies and Procedures (OPPP) Manual Section V.D.6.d.1 establishes two conditions under which disciplinary action may be reversed:

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

If neither condition exists, the Trial court will deny the appeal for a hearing and affirm the decision of the AM. In explaining its reasoning, the Trial Court carefully reviewed the facts and overall situation, finding White had failed to demonstrate how a shift in the individual conducting the AM review had impacted the decision. White still does not address that issue within this appeal. White has not addressed specific harm or bias from either recusal of the initial AM assigned to review or the AM who reviewed the case.

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

1. Violated 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; or
3. Is not supported by the substantial evidence on the record taken as a whole.

#### ORDER

For the reasons stated above, this appeal is DENIED for review.

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. Dated this 14th day of August 2024, in the matter of Case Number 24-AC-006, *Lennette R. White v. Table Games Department*.

***It is so ordered.***