

# COURT OF APPEALS

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Michelle Nicholas,  
Appellant,

Case No.: 24-AC-005

v.

Date: December 30, 2024

Lambert Metoxen,  
Table Games Department,  
Respondents.

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## FINAL DECISION

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

### JURISDICTION

The Court of Appeals has jurisdiction over this matter per §801.8-2(a)(2) of the Oneida Judiciary Law which gives this Court exclusive jurisdiction to review appeals from the Oneida Trial Court.

### PROCEDURAL HISTORY

This is an employment matter stemming from an appeal of a decision of the Oneida Trial Court, upholding the decision of the Area Manager.

### BACKGROUND

On December 28, 2023, the Appellant, Michelle Nicholas (hereinafter “Nicholas”), was terminated from her position as Pit Manager with the Oneida Casino for work performance violations and accumulated disciplinary actions. On January 30, 2024, the Area Manager, Lambert Metoxen (hereinafter “Metoxen”), upheld the termination. Nicholas filed an appeal with the Oneida Trial Court (hereinafter “TC”). On June 3, 2024, the TC upheld Metoxen’s decision. On July 2, 2024, Nicholas filed a Notice of Appeal with this Court, seeking to reverse the TC’s decision. On July 16, 2024, this case was accepted for appellate review.

### ISSUE

Whether the wrong Area Manager hearing the appeal was a procedural irregularity resulting in harm to Nicholas.

### ANALYSIS

Nicholas' appeal asserts numerous issues with the TC's decision that largely center on procedural irregularities and her contention she has suffered harm.

As has been addressed in other recent cases, Oneida Personnel Policies and Procedures Manual §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 were harmful to one of the parties to the grievance.

Nicholas fails to show how the disputed notion of an improper Area Manager reviewing her disciplinary action appeal would have resulted in a different outcome, meaning she has not established harm from any procedural irregularity. The harm Nicholas brings forward is harm caused by the termination notice issued by her supervisor, not that of Metoxen hearing the appeal. Prior precedent has established this conclusion. See, *Luther J. Laster v. Lambert Metoxen, Table Games Department*, 24-AC-002 (April 17, 2024)

### CONCLUSION

This Court finds Nicholas does not adequately demonstrate the TC's decision was clearly erroneous and against the weight of evidence, particularly regarding the key issue of whether a procedural irregularity caused harm.

### DECISION

Pursuant to the authorities, facts and analysis set forth above, 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 Trial Court decision is Affirmed. Dated this 30th of December 2024, in the matter of Case No. 24-AC-005, *Michelle Nicholas v. Lambert Metoxen, Table Games Department*.

***It is so ordered.***