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Appellate Court

Rick Holschuh,
Appellant
v.

Docket # 95-EP-0004
Date: April 28, 1995

Oneida Police Department -
James Danforth,
Respondent

This case has come before the Oneida Appeals Commission. Commissioners Leanne Doxtater, Carole Liggins, Kirby Metoxen, Mark N. Powless and Dorothy Skenandore, presiding.

Upon all information, appellant's brief and written motion, the following findings have been made by the Oneida Appeals Commission.

Wherefore, the Oneida Appeals Commission finds that the Oneida Police Department, through Attorney Diane Danforth, filed a motion to dismiss the above case based on the facts of the case and lack of legal dispute. The Oneida Appeals Commission concurs with this motion and finds this appeal lacks merit.

Wherefore, the Oneida Appeals Commission finds the said acts committed by the Appellant (see Appellant's brief dated March 22, 1995) warranted disciplinary action. It is also the opinion of this body that the three day suspension sustained by the appellant was not arbitrary or capricious in light of the appellant's deliberate actions of tampering with a fellow employee's personal property. The appellant's brief raises the issue that while this act was committed the appellant was not acting in the capacity of a police officer. The Oneida Appeals Commission does not agree, Mr. Holschuh's actions as a police officer should and does follow him while carrying out his duties for the Nation and as a role model for the community while off duty. The appellant's brief raised the issue that the appellant was not in possession of a fellow officer's property. The Oneida Appeals Commission does not agree, in the appellant's brief, it was stated that the appellant taped a cut out picture over a family photo belonging to another officer. That in itself is an admission of possession by Mr. Holschuh.

It is hereby ordered that this appeal is hereby dismissed without prejudice.

By the authority vested in the Oneida Appeals Commission pursuant to Resolution 8-19-91-A of the General Tribal Council, it is so held on this 28th day of April 1995.