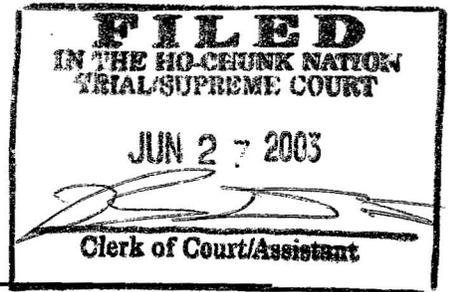


IN THE
HO-CHUNK NATION SUPREME COURT



Joseph E. Decorah,

Appellee,

v.

ORDER DENYING APPEAL

Case No. SU03-05

Ho-Chunk Nation and Ho-Chunk Casino,

Appellant.

This matter came before the full Court on June 9, 2003. Associate Justice Mark D. Butterfield, Associate Justice Jo Deen B. Lowe and Mary Jo B. Hunter, Chief Justice, presiding.

STATEMENT OF THE CASE

This case is an appeal of an employment grievance. Joseph E. Decorah, Appellant, had been employed by the Ho-Chunk Casino as a table games shift supervisor. The Appellant was reprimanded for providing a “fake” *Work Agreement* to an employee he supervised. The employee, who was being corrected, was upset by the false document. Based upon the investigating of the incident, Mr. Decorah was demoted to the position of blackjack dealer. Appellant Decorah filed a *Complaint* in the Trial Court seeking reinstatement to his former position, for payment of lost wages and benefits and other relief.

The lower Court held a trial on October 30, 2002. The Trial Court issued a *Judgment (for Defendants)* on April 25, 2003, that ruled against Mr. Decorah. The Trial Court held that Mr. Decorah’s conduct “coupled with the fact the supervised employee was in danger of losing her job at the time the “fake” *Work Agreement* was presented to

her were sufficient grounds for the action of the defendants to demote the plaintiff to a non-supervisory position.” Mr. Decorah appeals the Trial Court’s decision.

On May 27, 2003, Mr. Decorah filed his *Notice of Appeal*. The Court also received *Appellees’ (Defendants) Notice and Motion Opposing Appeal of Decision* filed on June 18, 2003. The Court did not consider the Appellees’ pleading because it was untimely.

DECISION

The Ho-Chunk Nation Constitution provides that “[A] ny party to a civil action...who is dissatisfied with the judgment or verdict may appeal to the Supreme Court.” HCN CONST., Art. VII, Sec. 14. Appeals are not automatically a matter of right but are within the Court’s discretion. The Ho-Chunk Nation Rules of Appellate Procedure provide the guidelines as to how parties file an appeal.

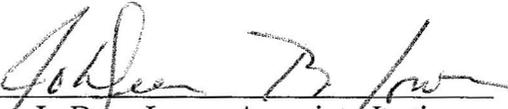
In this instance, Mr. Decorah properly filed his appeal. However, this Court will deny an appeal where it is unable to discern a legal issue in the party’s pleading of an appeal notice. *Deena Basina v. William P. Smith*, SU00-08 (HCN S. Ct., July 13, 2000). Mr. Decorah based his appeal request on his view that the initial investigation of the employment issue at the enterprise level had been flawed. This Court does not make findings of fact. Findings as to factual conflicts are matters for the Trial Court. *Michelle Ferguson v. Ho-Chunk Nation Insurance Review Commission/Division of Risk Management*, SU00-13, (HCN S. Ct., Oct. 14, 2000). Therefore, this Court is unable to address the factual issues that Mr. Decorah cited.

Nor has Mr. Decorah filed a legal issue for this Court to address. Therefore, this Court is unable to accept this case for appeal.

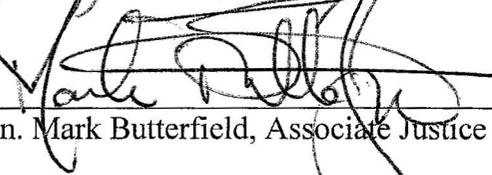
For the foregoing reasons, the appeal is denied.

Egi Heskekjet.

Dated this 27th day of June 2003.



Hon. Jo Deen Lowe, Associate Justice



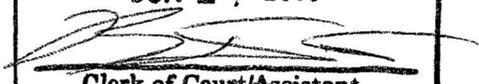
Hon. Mark Butterfield, Associate Justice



Hon. Mary Jo B. Hunter, Chief Justice
Ho-Chunk Nation Supreme Court

FILED
IN THE HO-CHUNK NATION
TRIAL/SUPREME COURT

JUN 27 2003


Clerk of Court/Assistant

CERTIFICATE OF SERVICE

I, Bryan Dietzler, Clerk of the Ho-Chunk Nation Supreme Court, do hereby certify that on the date set forth below I served a true and correct copy of the Order in Case No. SU- 03-05 (CV 02-47) By the United States Postal Service, upon all person listed below:

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Hon. William Bossman
HCN Chief Judge
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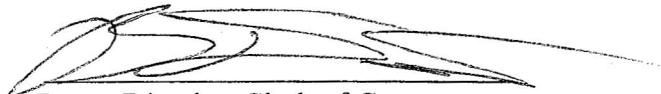
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Date: June 27, 2003


Bryan Dietzler, Clerk of Court
Ho-Chunk Nation Supreme Court