

**SAN MANUEL TRIBAL COURT INFORMATION SHEET FOR
PETITION FOR REVIEW
TRIBAL EMPLOYEE OR GAMING OPERATION EMPLOYEE**

(This information sheet is not part of the official Petition for Review form and does not need to be copied, served, or filed.)

USE OF THIS FORM

Forms **NOA-PR-002** (Tribal Employee) and **NOA-PR-003** (Gaming Operation Employee) are designed to be used to file and commence a Petition for Review of the San Manuel Human Resources Department's administrative decision involving a claim alleging employment discrimination, harassment, or retaliation pursuant to (i) the San Manuel Gaming Operation Employment Claims Act or (ii) the San Manuel Tribal Employment Claims Act. Use of these forms to file an action against any other agency or under any other Tribal law or cause of action will result in rejection of the Petition by the Tribal Court Clerk.

DEFINITIONS

Petitioner- is the party who is filing the appeal

Agency or ***Administrative Agency*** is the Tribal Commission or agency having power under the Tribal law to make administrative decisions (Human Resources)

Administrative Record means the agency's record of the case on appeal

Agency Decision means any final decision, order or determination of an Administrative Agency rendered on a particular issue

Trial Court means the Trial Court of the San Manuel Tribal Court

GENERAL INSTRUCTIONS

Only those appeals authorized by Tribal Law shall be subject to review by the Trial Court. The petition for review process is governed by Title 4 of the San Manuel Tribal Court Rules of Court, Administrative Review Rules. A copy of Title 4 is included with the Petition form, and you may view and download the Rules of Court at the following address under the "Tribal Court Rules" tab: <https://www.sanmanuel-nsn.gov/Tribal-Government/Tribal-Court>

The Petition for Review should be typed or legibly printed. A fillable version of this appeal form is available at the following address under the "Appeal Forms" tab: <https://www.sanmanuel-nsn.gov/Tribal-Government/Tribal-Court>

The Petition for Review form must be filed with the Tribal Court within thirty (30) days of the Human Resources Department's written decision or deemed denial of your claim.

Once the Petition form is completed and signed, you must provide it to the Court Clerk for submission of filing. Once the form had been reviewed and processed by the Court Clerk you

will receive a case number. The Court Clerk will fill in the case number for you and file stamp the document.

Once the Petition is file stamped by the Court Clerk, you must promptly serve a copy of the filed Petition on the Human Resources Department and any other parties in person, by mail, or fax. The individual serving the document cannot be a party to the action and must be over the age of 18 years old. You must file a complete Proof of Service form Civil POS-001 with the Tribal Court no later within five (5) days of service upon the Human Resources Department.

Please contact the Court Clerk for accommodations for a language interpreter or assistance for persons with disabilities.

PETITION FORM INSTRUCTIONS

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1. Print your name and title, or if you are being represented by an attorney print the attorney's name and title.
2. Print your residential address.
3. Print your phone number.
4. This is the name of the administrative agency (pre-printed on the form – do not fill or edit).
5. Print the date of the Human Resources Department's written decision or deemed denial of your claim.
6. Statement of Trial Court's Jurisdiction (pre-printed on form – do not fill or edit).
7. Print and describe a statement of facts describing the Human Resources Department's administrative decision (what was the outcome in your own words); include a copy of the letter from agency and attach it to the notice of appeal form.
8. Print and describe the relief you are seeking (the outcome you are requesting from the Tribal Court).
9. Print and describe the reason you are appealing the Human Resources Department's decision.
10. If more space is needed then what is provided in the boxes, please check the box on the bottom of page 1 to indicate an additional document is attached. You may attach as many relevant documents as you need.

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You must sign and date the PETITION FOR REVIEW form. By signing, you are stating under penalty of perjury that the information that you have provided on form NOA- RR-002 (Tribal Employee) or NOA-RR-003 (Gaming Operation Employee) is true and correct.

NEXT STEPS

Within ten (10) Court Days of your filing of the Petition, the Trial Court will issue a Notice of Acceptance or Notice of Denial to all parties.

If the Petition is accepted, the Human Resources Department will have thirty-five (35) days from the date of service of the Notice of Acceptance to file the Administrative Record with the Court and serve a copy upon all parties.

The initial hearing on the matter will be scheduled to occur no later than sixty (60) days from the date the Petition was filed. At the initial hearing, the parties will have the opportunity to discuss any issues related to the Administrative Record, establish a briefing schedule pursuant to Rule 4.6 of the Rules of Court, and raise any other issues related to the case. The hearing will then be adjourned to a later date to permit the parties to complete the briefing schedule prior to resuming the hearing.