

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council of the White Mountain Apache Tribe directed that a proposed Ordinance providing for the adoption of a Workman's Compensation Ordinance for the tribe to be enforced in Tribal Court be posted for public comment prior to final enactment pursuant to the requirements of the Tribal Constitution; and

WHEREAS, said Ordinance No. 147, attached hereto and incorporated by reference herein, has been posted by the Tribal Council Secretary as required by the Constitution and no opposition or suggestions for amendments to said Ordinance have been proposed to the Tribal Council; and

WHEREAS, the Tribal Council concludes that the enactment of a Tribal Workman's Compensation Ordinance No. 147 will serve to enhance the tribal sovereignty of the White Mountain Apache Tribe and will provide a forum for tribal employees to file grievances against the tribe and its workman's compensation insurance carrier in the event that the injured tribal employee is dissatisfied with his insurance award; and

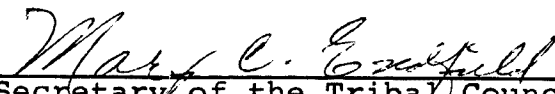
WHEREAS, the Arizona Court of Appeals in the case involving the White Mountain Apache Tribe and a tribal employee has held that the Arizona State Industrial Commission does not have jurisdiction to hear cases arising against the tribe when the tribe is an employer, and that the Tribal Court is the proper forum to adjudicate any disputes arising as a result of workmen's claims.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribal that it hereby enacts, effective immediately, a Workman's Compensation Ordinance No. 147 for the White Mountain Apache Tribe in the form attached to this Resolution.

The foregoing resolution was on August 14, 1985, duly adopted by a vote of 5 for and 4 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984)



Chairman of the Tribal Council



Secretary of the Tribal Council

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AUG 23 1985

FORT APACHE INDIAN
ALLIANCE
CHIEF OF BUREAU