

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

WHEREAS, Mr. and Mrs. Frankie Abril have come before the Council to contest Mr. Abril's termination as the Assistant Deli Manager at the Tribe's Canyon Day C-Store; and

WHEREAS, Mr. Abril described the circumstances behind the termination and his efforts to resolve the matter through the Tribe's grievance procedures; and

WHEREAS, Mr. Abril advises, and the Human Resources Director confirms, that the enterprise management did not respond to requests for information pertaining to the termination; and

WHEREAS, Mr. Abril disagrees with the grievance committee conclusion upholding the termination, yet acknowledging that information for the decision was not provided by management, apparently based upon a directive concerning operation of the Enterprise Division; and

WHEREAS, the Tribal Council concludes, based upon the evidence presented and a review of the grievance process, that Mr. Abril should not have been terminated from his position as the Assistant Deli Manager.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reinstates Mr. Frankie Abril to his position as Assistant Deli Manager at the Canyon Day C-Store with the understanding that Mr. Abril will be given consideration for other positions within the Tribe should an opening occur which is suitable for his skills.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the reinstatement shall be to his position as Assistant Deli Manager at his former rate of pay, with payment of back pay for hours accrued from September 27, 2002 to the present, and reinstatement of all annual and sick leave hours from September 27, 2002 to the present, and reinstatement of health benefits coverage, and participation in the Tribal retirement program with no break in service from that date.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs Tribal Human Resources Director and Tribal Chairman to complete and execute the necessary paperwork to carry out the intent of this resolution.

The foregoing resolution was on January 8, 2003 duly adopted by a vote of nine for, zero against, and one abstention by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (h), (i), (s), (t), and (u) of the Constitution of the Tribe,

Resolution No. 01-2003-03

ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


ACTING Chairman of the Tribal Council


Secretary of the Tribal Council