



Resolution No. 06-2006-187

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

(Requesting FATCO Review Termination of Delmer Nastivar, Sr.)

WHEREAS, pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and

WHEREAS, Delmer Nastivar, Sr. was recently terminated from his position with the Fort Apache Timber Company; and

WHEREAS, Mr. Nastivar did this day present a letter concerning his termination, as attached and incorporated by this reference; and

WHEREAS, Mr. Nastivar seeks reconsideration of his termination; and

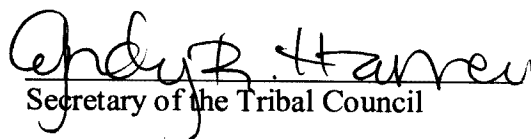
WHEREAS, the Tribal Council finds that FATCO should review Mr. Nastivar's letter.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

1. FATCO is hereby requested to review the letter of Delmer Nastivar, Sr., and reconsider his termination.
2. The General Manager of FATCO is hereby directed to report to the Tribal Council as to whether Mr. Nastivar may be reconsidered for employment.

The foregoing resolution was on June 7, 2006, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (k), (s), (t) and (u) of the Constitution of the Tribe, 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).


Chairman of the Tribal Council


Secretary of the Tribal Council

To : Tribal Chairman, Ronnie Lupe Sr.,
Tribal Vice-Chairwoman, Margaret Baha-Walker
Tribal Council Members

Dear Council,

My name is Delmer Nastivar SR. First of all I would like to congratulate all of you, since I did not have the chance to do so before. I am from East Fork, but lived in different communities over the years. I've been working for logging since 1981. I have also worked for the tribe. My last job was with FATCO, which I really enjoyed; I was thinking about retiring there. The job I had also was a great benefit for my children who need the health benefits it offered. I've been working for them for the past 25 years. I am currently 40 years old and would like to continue working there.

I was at the council meeting on Tuesday, May 16th, at the tribal council chambers concerning our house. Thank you very much! Before that my family and I lived separately, ever since the lost of our mobile home. Now we have the opportunity to start over by fixing up the house and putting our jobs and kids together. The house needs a lot of work and looks like we have to buy everything...like appliances, doxol tank, pipes, lumber etc.

This letter is also for a concern in which I hope you would consider to place in my favor. I was stopped by a police officer because we had no turn signal on my uncle's car; I had checked everything before we drove off. Everything was okay then. I can only suppose that the turn signal fuse had burnt out. But anyway, the police officer told me I had smelled like beer. I honestly responded that I had drunk 2 cans. After passing the field sobriety tests I had taken a breathalyzer test and was charged for DUI. I had told the officer that I was on my way to buy a birthday gift for my daughter. I never attended her party.

After getting booked in jail I pleaded with the jailors to use the phone to call my boss, instantly I was refused. I understand my wrong doing but, feel that I should not have lost my job. I need my job to supply my four children, my companion and I, our daily needs; food clothing...etc. There are other individuals in jail who have lost their job....all we needed was one phone call. I was informed by the trustees that jailors will only let their friend and relatives use the phones and have other special privileges . Tribal judges run the justice department based on favoritism also. I have seen other individuals with far more serious charges get released on only probation...while others with lesser crimes get hard time in jail!!!

So in closing, please help me get my job back. Also, if and only if, help in getting released from jail. My family and I thank you for your time and consideration for hearing me out. May the Good Lord be with you, all.

Sincerely,

Delmer Nastivar Sr. 