



Resolution No. 09-2006-318

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

**(Approving Request for Back-Pay for Scottie Pina from FATCO for Wrongful
Termination Claims)**

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, Serena Pina, the widow of Scottie Pina, by and through District IV Council Member Reno Johnson, Sr., had this day presented a claim for Mr. Pina's back-pay in the amount of \$20,000.00 due to a wrongful termination from his position as Journeyman Plumber from the Fort Apache Timber Company in 1990; and

WHEREAS, prior payments for settlement of wrongful termination claims have been made by prior Resolutions; and

WHEREAS, the Tribe's Legal Department has advised the Tribal Council by memorandum of November 7, 2005, that such claims are barred by the statute of limitations set forth pursuant to the Tribe's Tort Claims Act, but that while the Tribal Council has the ability to make such payments despite such limitation, these should be made subject to a release of all further claims against the Tribe as part of accord and satisfaction of the claim; and

WHEREAS, payments for wrongful termination claims were made subject to available funds set aside and budgeted for said purpose, but said budget has been over-expended; and

WHEREAS, in order to replenish the budget for wrongful termination claims, the Budget & Finance Committee has oversight on identifying whether funds may be made available for this purpose; and

WHEREAS, the Tribal Council finds that payment should be in made in the amount of \$20,000.00 to Serena Pina, subject to available funds as may be identified by the Budget and Finance Committee.

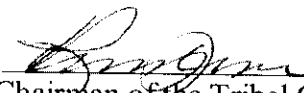
NOW BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

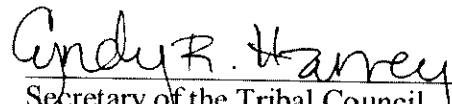
1. Payment in the amount of \$20,000.00 be made to Serena Pina, the widow of Scottie Pina, in accord and satisfaction of her claim for the wrongful termination of Mr. Pina, subject to available funds as may be identified by the Budget and Finance Committee for said purpose.

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2. Be it known that by and upon receiving said payment, Ms. Pina and/or the estate of Scottie Pina hereby relinquishes any and all future claims that they may have against the Tribe, its officers and employees.
3. The Budget and Finance Committee is hereby directed to ascertain and identify whether funds may be set aside for this and similar purposes.

The foregoing resolution was on September 20, 2006, duly adopted by a vote of THREE for, ONE against, and SIX abstaining 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

R09-06-318

Form E

WHITE MOUNTAIN APACHE TRIBE

NOTICE OF OFFICIAL PERSONNEL ACTION

1. NAME (Last - First - Middle) <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss Pina, Scottie	2. DATE OF BIRTH 12/6/41	3. SOCIAL SECURITY NUMBER 527-52-7766
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4. NATURE OF ACTION

<input type="checkbox"/> APPOINTMENT	<input type="checkbox"/> RETURN TO DUTY	<input checked="" type="checkbox"/> REDUCTION IN FORCE
<input type="checkbox"/> TEMPORARY APPOINTMENT NTE _____	<input type="checkbox"/> EXT. OF TEMP. APPT. NTE _____	<input type="checkbox"/> REMOVAL
<input type="checkbox"/> REAPPOINTMENT	<input type="checkbox"/> SUSPENSION _____ DAYS	<input type="checkbox"/> SEPARATION - ABANDONMENT OF POSITION
<input type="checkbox"/> PROMOTION	<input type="checkbox"/> PERIODIC SALARY STEP INCR.	<input type="checkbox"/> SEPARATION - PHYS. DIS.
<input type="checkbox"/> DEMOTION	<input type="checkbox"/> PERIODIC WAGE STEP INCR.	<input type="checkbox"/> SEPARATION - DURING PROBATIONARY PERIOD
<input type="checkbox"/> REASSIGNMENT	<input type="checkbox"/> PAY ADJUSTMENT	<input type="checkbox"/> TERMINATION OF APPOINTMENT NTE _____
<input type="checkbox"/> LEAVE WITHOUT PAY NTE _____	<input type="checkbox"/> RESIGNATION	

FROM		TO
Journeyman Plumber	5. POSITION TITLE AND NO.	
\$ 13.04 PER hr.	6. GRADE AND SALARY OR WAGE RATE	\$ _____ PER _____
<input checked="" type="checkbox"/> FT. <input type="checkbox"/> PT <input type="checkbox"/> WAE	6a. TENURE	<input type="checkbox"/> FT <input type="checkbox"/> PT <input type="checkbox"/> WAE
FATCO	7. ORGANIZATIONAL LOCATION	

8. WMA PREFERENCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	9. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	10. 04-041-7170	11. EFFECTIVE DATE 7/5/90	12. SER. COMP. DATE
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13. SUBJ. RETIRE'T <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Elig. Date:	14. SUBJ. HEALTH INS. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Elig. Date:	15. LEAVE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ANN. LEAVE CATEGORY <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3
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16. SUBJECT TO COMPLETION OF PROBATIONARY PERIOD END NG _____

17. REMARKS

18. SIGNATURE & TITLE OF APPOINTING OFFICER

Mary Classay DATE: 7-11-90

19. EMPLOYMENT CODE OF W.M.A. TRIBE: - - - Employees of the White Mountain Apache Tribe are expected to conduct themselves on and off the job in a manner which will bring credit to the organization. It is the responsibility of the employee to notify his supervisor if he cannot report for work or has to leave the job during his regular tour of duty.

20. I have read the above and will comply *Scottie Pina* (Signature of Employee) _____ (Date)

NOTE TO EMPLOYEE: - Employment with the White Mountain Apache Tribe is not Federal Employment and may not be credited as such in any way.

EMPLOYEE

Scott Pina P.O.BOX 80233 Cibecue, AZ. 85911

Job Title- Welder-later plumber, Journal Maintenance, Promoted to Blue Hat , Fire Safety. Took over Care & Maintenance Springler, FATCO Grievance member, Safety Meeting, Fire Captain Safety Director, Chief of Fire. Saved \$40,000.00 for the Tribe. Helped installed equipment @ Old Sawmill in McNary. When it come to inspection it all passed. Hal Butler recognize and gave him plat & \$2.00 raise. Then when Lupe took over the Administration he took my Blue Hat away and cut my wages. Wages I us.to make was \$13.04 per hour. I worked hard to earn that, but it didn't meant anything to him. From there I never worked for the Tribe again. I tried to asked if I could buy some Insurance with the Tribe but he turn me down. I was doing this just for my wife and kids. At that time my wife was getting ill from me and really need that Insurance. Ronnie Lupe didn't want to see at all. After I was unemployed for 6 months, I start searching for job outside of Reservation. I worked at St. Johns. Show Low, Tucson, Miami, and worked at Superior for 5 years. I went through battle with Lupe Administration . My wife and I both got sick through this. AT this time Mr.Pina is fighting cancer and recently had surgery on his head for tumor. It was very emotional when he was talking about the past and present of what he and his family are going through with sickness and Pain and Suffering. All happen because of Ronnie Lupe Administration.

Also on Monday through Friday they are down at Tucson for his radiation. Its hard but I'm still hanging in there.

For PAIN & SUFFERING HE REQUESTED FOR \$30,000.00

Also when Mr. Pina was on Grievance Committee he helped Tim Clawson get his pay back for \$4,000 during that time.