

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

(Appeal of Cheri Lavender)

**WHEREAS**, the Tribal Council is the governing body of the Tribe; and

**WHEREAS**, Cheri Lavender was an employee of the Tribe's Early Childhood Headstart program for five years until her termination; and

**WHEREAS**, the Personnel Policies and Procedures (1977, as amended 1997) provides for a grievance process that includes appeals to the Tribal Council in cases of alleged discrimination only (at 46a); and

**WHEREAS**, Ms. Lavender did this day present an appeal to the Tribal Council for review; and

**WHEREAS**, after careful review and consideration of the facts, the Tribal Council finds that no basis for discrimination exists in this case, yet given the basis of the extenuating circumstances surrounding Ms. Lavender's termination it appears that the termination should be voided without prejudice, that she receive two pay periods of back pay, that she be transferred to a reasonably equivalent position within the Tribe, and that her annual and sick leave be accrued from the date of her termination..

**NOW THEREFORE BE IT RESOLVED** that the White Mountain Apache Tribal Council:

1. The termination of Cheri Lavender is hereby voided without prejudice.
2. The Personnel Office is hereby directed to expunge the termination from Cheri Lavender's personnel file.
3. The Personnel Office is further directed to provide Ms. Lavender two pay periods of backpay, a transfer to a reasonably equivalent position within the Tribe, and reinstate her annual and sick leave accrual to the date of her termination.

The foregoing resolution was on MAY 11, 2005 duly adopted by a vote of SEVEN 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), (i), (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