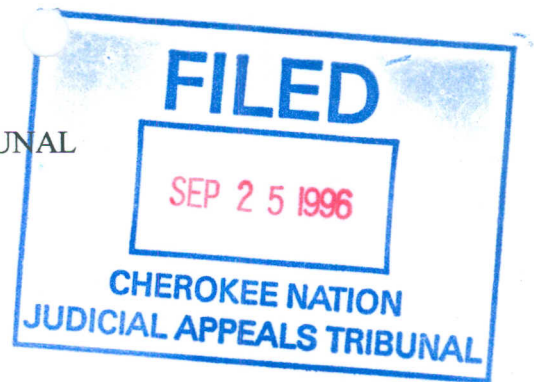


IN THE JUDICIAL APPEALS TRIBUNAL
CHEROKEE NATION

In the Matter of the Termination)
of Todd Casteel) JAT No. 95-13
)



ORDER

The petitioner's Motion to Clarify Judgment comes before the undersigned Justice of the Judicial Appeals Tribunal this 17th day of September, 1996. Petitioner Todd Casteel is not present, but appears by and through his attorney, Todd Hembree. Also present are Cherokee Nation counsel of record, L. Susan Work, and client representative Ervin Rock, Cherokee Nation Human Resources Director. The Tribunal, having heard statements and arguments of counsel, issues the following findings and orders.

1. The Tribunal finds that the parties have agreed that total back wages in the amount of \$36,080.97 would have been paid to Casteel if he had remained employed by the Cherokee Nation for the period of August 15, 1995 through August 16, 1996. The Tribunal also finds that the parties agree that petitioner would have also received additional benefits valued at \$ 8,635.96 for such period. The total value of said back wages and benefits is \$44,716.93.

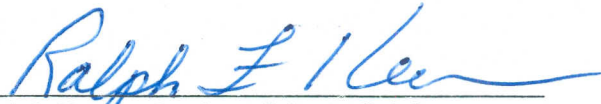
2. The Tribunal finds that petitioner has not provided wage statements to Cherokee Nation for the period of time commencing with his termination on August 23, 1995, to date, and that provision of such statements is necessary for calculation of any back pay to which he may be entitled. IT IS HEREBY ORDERED that petitioner shall provide wage statements to the Cherokee Nation for the period of time commencing with his termination on August 23, 1995, to date, within ten days of the date of this hearing.

3. The Tribunal finds that the parties have previously agreed that petitioner shall commence work at the Cherokee Nation in his former position as Deputy Director of Registration on September 30, 1996. IT IS ORDERED that should petitioner commence employment at the Cherokee Nation on September 30, 1996, he will receive reinstatement of all credits relating to sick leave, annual leave and pension benefits which would have accrued during said period commencing on August 23, 1995 to date of reinstatement; and that he shall be entitled to an offset calculated as the difference between the amount of wages which he would have received if employed by the Cherokee Nation (not including the value of said reinstated benefits) during said time period, less the amount of all unemployment benefits received and wages earned during said time period.

4. The Tribunal finds that statements of counsel for petitioner indicate that petitioner may decide not to return to the employ of the Cherokee Nation. The Tribunal finds that under the Tribunal's original order, if petitioner had elected not to return to Cherokee Nation employment, he would have been entitled to an offset calculated as the difference between the amount of wages which he would have received if employed by the Cherokee Nation (*including* the value of benefits which he would have received) during said time period, less the amount of all unemployment benefits

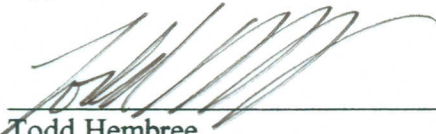
received and wages earned during said time period. The Tribunal further finds that petitioner has caused unnecessary delays in achieving the final resolution of this matter in accordance with this Tribunal's August 8, 1996 judgment in his favor. IT IS THEREFORE ORDERED that due to said delays by petitioner, Cherokee Nation is ordered to pay petitioner only the lesser amount of offset as described in the preceding paragraph, should he fail to commence employment at the Cherokee Nation on September 30, 1996.

5. The Tribunal finds that nothing herein shall preclude the parties from reaching a mutually agreed upon settlement relating to the amount of offset to be paid to petitioner, should he decide not to return to employment by the Cherokee Nation, and IT IS SO ORDERED.



Ralph Keene, Justice of the Judicial
Appeals Tribunal

Approved as to form:



Todd Hembree

ATTORNEY FOR PETITIONER TODD CASTEEL



L. Susan Work

ATTORNEY FOR RESPONDENT CHEROKEE NATION