



INTERIOR BOARD OF INDIAN APPEALS

Wingate High School Board of Education
v. Eastern Navajo Agency Superintendent for Education, Bureau of Indian Affairs,
and Mary E. Whiting

14 IBIA 45 (02/19/1986)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

WINGATE HIGH SCHOOL
BOARD OF EDUCATION,
Appellant

v.

AGENCY SUPERINTENDENT FOR
EDUCATION, EASTERN NAVAJO
AGENCY, BUREAU OF INDIAN
AFFAIRS and MARY E. WHITING,
Appellees

: Order Accepting Settlement
: Agreement and Dismissing
: Appeal with Prejudice
:
:
:
: Docket No. IBIA 85-45-A
:
:
: February 19, 1986

On September 4, 1985, the Board of Indian Appeals (Board) received a notice of appeal from the Wingate High School Board of Education (appellant). Appellant sought review of a March 22, 1985 decision made by the Agency Superintendent for Education, Eastern Navajo Agency, Bureau of Indian Affairs (BIA), concerning the appointment of Mary E. Whiting (Whiting) to a position as a teacher supervisor at Wingate High School. The appointment, which was made after the Equal Employment Opportunity Commission found that BIA discriminated against Whiting in discharging her, was made without consulting appellant. Appellant contended that the appointment violated 25 U.S.C. § 2011(d)(2) (1982).

On February 18, 1986, the Board received a joint motion to dismiss and settlement agreement filed by representatives of all three parties. The motion states that it is in the best interest of the parties to settle this dispute rather than continuing litigation. The settlement agreement states at page 3 that "Mrs. Whiting will be retained in her current position as a status quo employee as though the appeal had never been taken. Mrs. Whiting is to have all the rights, privileges, and obligations of every similarly-situated status quo employee."

Therefore, based upon the representation that this settlement is acceptable to all parties, and pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the February 4, 1986 settlement agreement between the parties is accepted and this appeal is dismissed with prejudice.

//original signed
Jerry Muskrat
Administrative Judge

//original signed
Wm. Philip Horton
Acting Chief Administrative Judge