



THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

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Navajo President Joe Shirley, Jr., pleased Office of Hearings & Appeals dismisses grievance against Dec. 15 government reform special election

WINDOW ROCK, Ariz. – Navajo Nation President Joe Shirley, Jr., said today he was pleased that the Office of Hearings and Appeals dismissed a grievance against him and the Initiative Petition Committee and cancelled a hearing set for Jan. 21.

“It makes my heart glad,” he said. “When the people speak, that is it.”

On Friday, Administrative Hearing Officer Karen Bernally granted President Shirley’s motion to dismiss a grievance filed Dec. 23, 2009, by Timothy Nelson of Leupp that contest the Dec. 15 Special Election.

Hearing Officer Bernally found that Mr. Nelson’s grievance had not joined the Navajo Board of Election Supervisors and the Navajo Election Administration in the case, noting that they are indispensable parties.

She also found the complaints in paragraphs 1 and 10 of the statement do not allege non-compliance with the Navajo Election Code. Complaints raised in the grievance’s paragraphs 1, 4, 6 and 10 were found to be untimely.

“It is therefore ordered that the Statement of Grievance is hereby dismissed in its entirety and with prejudice and the respondents are awarded their costs and attorney’s fees,” the order reads.

The President’s motion for dismissal, which was filed Jan. 11, noted that neither he nor the Initiative Petition Committee made the decisions complained of in Mr. Nelson’s grievance, nor conducted the Special Election.

“The statement of grievance is hereby dismissed in its entirety and with prejudice.”

– Administrative Hearing Officer Karen Bernally

“All those complaints could have been and should have been addressed within 10 days of April 29, 2008, when the petitions were first presented to the Navajo Election Administration for determination of sufficiency,” the President’s motion states. “The petitioner cannot wait until this late date, 20 months after submittal, to complain about the content of the petition.”

“The Navajo Election Administration conducted the Special Election on December 15, 2009, and is responsible for many of the acts complained of in the statement,” it says. “The Navajo Board of Election Supervisors and the Navajo Election Supervisors are therefore the parties best able to defend their actions in the calling and conduct of the Special Election.”

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