



In the Matter of:

CHRIS WHITE,

COMPLAINANT

v.

**THE OSAGE TRIBAL COUNCIL
ON BEHALF OF THE OSAGE NATION,**

RESPONDENT.

**ARB CASE NO 99-120
(Formerly Case No. 96-137)**

ALJ CASE NO. 95-SDW-1

DATE: September 29, 1999

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

Appearances:

For the Complainant:

John T. Edwards, Esq., *Oklahoma City, Oklahoma*

For the Respondent:

F. Browning Pipestem, *Norman, Oklahoma*

REMAND ORDER

On August 8, 1997, we issued a Decision and Order of Remand in this case finding that Respondent Osage Tribal Council violated the employee protection provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§300j-9(i), when it terminated Complainant Chris White's employment for engaging in reporting activity protected by the SDWA. *White v. Osage Tribal Council*, ALJ Case No. 95-SDW-1, ARB Case No. 96-137 (Aug. 8, 1997). We remanded the case to the Administrative Law Judge (ALJ) for the limited purpose of determining the precise amount of damages and costs.

The Osage Tribal Council filed a collateral order appeal to the United States Court of Appeals for the Tenth Circuit asking the court to determine only whether the SDWA abrogates tribal immunity. On March 30, 1998, the ALJ to whom the case was reassigned upon remand issued an order returning the case to the Administrative Review Board, pending the outcome of the Tenth Circuit appeal.

On August 4, 1999, the Tenth Circuit issued a ruling upholding our decision in this case and remanding for further proceedings consistent with its order. *Osage Tribal Council v. U. S.*

Department of Labor, ___ F.3d ___, 1999 WL 570477 (Aug. 4, 1999) (No. 97-9564). Accordingly, we again **REMAND** this case to the ALJ, in accordance with our August 8, 1997 Decision and Order of Remand to determine the precise amount of damages and costs.

SO ORDERED.

PAUL GREENBERG

Chair

E. COOPER BROWN

Member

CYNTHIA L. ATTWOOD

Member