

No. SC-CV-27-09

SUPREME COURT OF THE NAVAJO NATION

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Veronica Wauneka,  
Appellee

v.

Navajo Department of Law Enforcement  
Appellant

ORDER

Before, YAZZIE, H. Chief Justice, and SHIRLEY, E. Associate Justice.

An appeal of a decision of the Navajo Nation Labor Commission, Cause No. Commission 2007-056, Chairperson Casey Watchman, presiding.

Regina Holyan, Navajo Department of Justice, Window Rock, Navajo Nation, for Appellant; and David Jordan, Gallup, New Mexico, for Appellee.

Appellant has asked the Court to reconsider its affirmation of the civil fine in this case by filing a *Motion to Reconsider the Affirmation of a Civil Fine or, In the Alternative, Motion to Clarify* on March 2, 2011.

For the reasons set forth in the February 10, 2011 opinion in this case, we deny Appellant's motion for reconsideration, but clarify and correct the section concerning civil fines at page 9 of our opinion.

In permitting civil fines to be imposed as a remedial order upon a finding of an intentional violation of the NPEA, 15 N.N.C. § 612(A)(1) by its own language does not contemplate punitive amounts. We interpret this to mean that a fine must not be excessive given a competently accounted for compensatory scheme. In this case, the Commission awarded Appellee \$9,911.20 in back pay plus \$8,337.60 in attorney fees. The Commission's fine is well

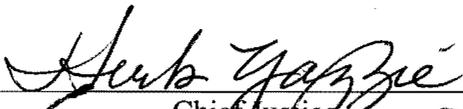
within the compensatory scheme in this case, and this Court further considered the fine “relatively” nominal given the scheme.

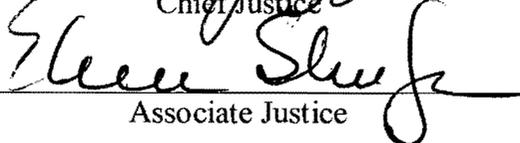
Two corrections are in order. In its opinion, this Court incorrectly stated *inter alia* that 15 N.N.C. § 612(A)(1) “provides that \$500 in civil fines may be imposed” and incorrectly affirmed the amount of the Navajo Nation Labor Commission’s imposition of civil fines. *Slip op.* at 9. The amount of the fine was a typo and is hereby corrected to read “\$5,000.” Additionally, the word “provides” in the above sentence is hereby replaced with “permits.”

The opinion dated February 15, 2011 is HEREBY reissued with the above corrections effective February 10, 2011, the date of the first opinion.

SO ORDERED.

Dated this 25<sup>th</sup> day of May, 2011.

  
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Chief Justice

  
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Associate Justice