

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
TRIBAL COURT

TIMOTHY F. PLOURD,

Plaintiff,

Case No. C-037-0103

v.

Enrollment Appeal Decision

LITTLE TRAVERSE BAY BANDS OF
ODAWA INDIANS ENROLLMENT OFFICE,

Defendant.

DECISION OF THE COURT

A. Issue Presented:

Whether the Tribe made a clear error denying Plaintiff's application for membership?

B. Background:

Plaintiff filed his application for tribal membership in July 2001. He subsequently submitted additional documentation for consideration with the initial submissions.

C. Findings of Fact:

1. Plaintiff applied to become a member of the Tribe in July 2001. The application was denied for the reason that the documentation is inadequate to trace to an ancestor on the 1908 Durant Roll.
2. Plaintiff submitted additional documentation in support of his application after the initial submissions.
3. The additional documentation provided information which conflicted with that of the original submissions.

4. The additional information, when added to the original submissions, made for a confusing application.
5. Plaintiff argues that the Enrollment Office should have simply replaced the original information with that which was submitted later.
6. The record of the Appeal Hearing in this matter makes it clear that Plaintiff submitted documents that are now not considered "relevant" by him.
7. It is clear that Plaintiff was still researching his genealogy and submitting documents while his application was pending.
8. It does not appear that Plaintiff actually knows for certain who his father's mother is. However, it is clear that Plaintiff has researched enough to suspect a person named Anna Stafford.
9. There is an Anna Stafford listed on the 1908 Durant Roll.
10. The Enrollment Office provided evidence that establishes the fact that "Anna Stafford" was a very common name.
11. The 1930 Federal Census lists seven (7) Anna Staffords.
12. Plaintiff argues that only one of those would be of the right age to be his Grandmother.
13. For the "Anna Stafford" who is on the 1908 Durant Roll to be the mother of Plaintiff's father she would have given birth to him at age fifty-seven (57).
14. Both parties to this action agree that a birth at such an age is extremely unlikely, although maybe not impossible.
15. Under these circumstances, Plaintiff's application for membership was denied.

D. Conclusions of Law:

1. The beginning point for legal analysis of this appeal is the standard of review applicable to the instant matter.
2. *WOTC § 2.114(C)* provides "*The sole purpose of the Appeals Process will be to determine if there has been a **clear error** ... based on the evidence and documentation provided by the*

Plaintiff's applications were considered under this standard. Both times this was the appropriate standard.

4. The Enrollment Office did not have a legal obligation to notify previous applicants who were denied membership when the standards were relaxed for a brief time.
5. Likewise, there is no legal method of giving membership applications retroactive consideration.
6. Changing membership requirements from time to time creates the unfortunate reality that some members of individual families might become enrolled members while other members of the same family do not. It hardly seems fair to those ultimately denied membership. For this very humane consideration, membership requirements should not be constantly changing.

**WHEREFORE, FOR ALL OF THE FOREGOING,
this Court denies Plaintiff's appeal and hereby
dismisses this matter.**

08/08/03
Date

Honorable Michael D. Petoskey
Chief Judge