

**RECEIVED**

NOV 12 2020

**UNITED STATES DISTRICT COURT**CLERK, U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

for the

District of Minnesota

Division

Case No. 20-cv-2332 DSD/KMM

(to be filled in by the Clerk's Office)

Frances Elaine Butler

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Leech Lake Band of Ojibwe; Employer, Faron Jackson  
Sr. Tribal Chairman; Arthur LaRose Secretary  
Treasurer Robert Whipple; Human Resource Manager

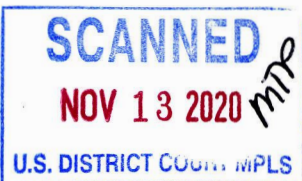
Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No**COMPLAINT FOR EMPLOYMENT DISCRIMINATION****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Frances Elaine Butler
Street Address	4248 Grimes Ave N
City and County	Robbinsdale; Hennepin
State and Zip Code	MN., 55422
Telephone Number	763-614-4304
E-mail Address	francesbutler3@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	Leech Lake Band of Ojibwe; Employer
Job or Title <i>(if known)</i>	
Street Address	190 Sailstar Drive
City and County	Cass Lake; Cass County
State and Zip Code	MN. 56633
Telephone Number	1-800-442-3909
E-mail Address <i>(if known)</i>	

## Defendant No. 2

Name	Faron Jackson Sr.
Job or Title <i>(if known)</i>	Tribal Chairman
Street Address	190 Sailstar Drive
City and County	Cass Lake; Cass County
State and Zip Code	MN., 56633
Telephone Number	218-513-5151 or 1-800-442-3909
E-mail Address <i>(if known)</i>	faron.jackson@llbo.org

## Defendant No. 3

Name	Arthur LaRose
Job or Title <i>(if known)</i>	Secretary Treasurer
Street Address	190 Sailstar Drive
City and County	Cass Lake, Cass County
State and Zip Code	MN., 56633
Telephone Number	218203-7281 or 1-800-442-3909
E-mail Address <i>(if known)</i>	arthur.larose@llbo.org

## Defendant No. 4

Name	Robert Whipple
Job or Title <i>(if known)</i>	Human Resources Manager
Street Address	190 Sailstar Drive
City and County	Cass Lake, Cass County
State and Zip Code	MN., 56633
Telephone Number	218-335-3698 or 1-800-442-3909
E-mail Address <i>(if known)</i>	robert.whipple@llbo.org

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name	Leech lake Band of Ojibwe
Street Address	190 Sailstar Drive
City and County	Cass Lake, Cass County
State and Zip Code	MN., 56633
Telephone Number	1-800-442-3909

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

- ☐ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Other federal law *(specify the federal law)*:

Equal Pay Act (EPA); Retaliation, Harassment; Intimidation; Wrongful Demotion and Termination

- ☒ Relevant state law *(specify, if known)*:

- ☒ Relevant city or county law *(specify, if known)*:



Leech Lake Band of Ojibwe; EMPLOYER  
Faron Jackson Sr.; Tribal Chairman  
Arthur LaRose; Secretary Treasurer  
Robert Whipple; Human Resource Manager

The above-named Defendants all are upper Management for the Leech Lake Band of Ojibwe and the three named defendants work hand and hand with each other. Mr. LaRose is the more aggressive one and is very intimidating to the other two named defendants. Mr. Jackson and Mr Whipple will do whatever Mr. LaRose tells them to do. If you reprimand someone they placed into a position the three of them will work hand and hand and hold secret Council meetings and will talk each other into firing an individual as they all hold "Criminal Actions" such as payroll Fraud for one over each other. I do not slander anyone especially my nephew Mr. LaRose. Yes, I am ashamed to say it but he is my nephew and how he stays in office after robbing the Casino in his early years is beyond me. It could be because they placed his wife as a Director of Tribal Enrollment? I do believe she has now taken on retirement. So, we will see if he makes reelection this time around.

I (Frances E Butler) was employed by Leech Lake Band of Ojibwe from 6/5/2018-3/31/2020 as a Full-Time Director making \$34.00 per hour. In January I (Frances E Butler) had to reprimand our Receptionist for inappropriate text messages and creating a "Hostile Work Environment", our receptionist is the niece of Chairman Jackson. After the reprimand Chairman Jackson and his little team above named Defendants started to "Retaliate and Harrass" me. Mr. Jackson also asked me why I reprimanded her without informing him; I replied that I did inform you and you going to get back with me and that never happened. He also stated that he had requested Steve White District 2 Representative. I stated well he never showed up. I asked if he would allow his employees to speak to him like that and he replied "No"; then he stated well tell now Frances "How are we to have a good working relationship now?" I stated just like we have been as this should not reflect or effect our day to day business. Mr. Jackson then hung up the telephone. The "Retaliation & Harassment" went on until Friday; March 13, 2020 and I received phone calls from co-workers/employees asking me what is going on; I said, "What do you Mean"? I was told by the callers that there was a memo given to them by my Administrative Assistant and our ICWA Lawyer stating that I have been "Demoted to Admin Assistant" and your Admin Assistant is being promoted to "Director". Nobody from Human Resources or Management contacted me at all to discuss this "Life Change Regarding Job Status or Pay". I knew then this was excessive Retaliation and Harassment as I was now being "Demoted" with no explanation or notice and my job was being replaced with someone younger than me. Monday, March 16, 2020 I filed a "Grievance" on Chairman Jackson, I then received an "Intimidation Letter" from Robert Whipple; Human Resource Manager stating that I cannot file a "Grievance" on Chairman Jackson and if I continue to pursue this matter that they will have no other recourse but to terminate my employment. I then filed my EEOC for Age Discrimination, Wage Theft, Retaliation and Harassment. I was notified by one of the Council Members that they had seen my name on the Layoff list and wanted to know what was going on. I explained what had happened and I was informed that they should have done a "Full Council Meeting" as that is the requirement whenever an employee is being fired, Demoted etc., as they all need to know what is going on and why. Only three of the five Council Members knew about the meeting and the remainder two and Executive Director nor Deputy Director (my Supervisors) were not at the meeting. My own Supervisors that are part of that Council were not even informed. I had to call my supervisor and find out what he knew. Mr. Whipple also violated my HIPPA Rights by distributing my life changes before I was even aware of it. I applied for MN Unemployment and the third party Retaliation for Engaging in Protected Activity and Harassment continued as the three above named Defendants held secret Council meetings and started interfering with my Unemployment Benefits. I received notice that my "SOLE INCOME" was being terminated until I file an appeal. I did file my appeal and I finally won my MN Unemployment case in August under MN Statutes 268.105, subdivision 5a. I also support a Foster Son which they are fully aware of but did not care whether we ate or not; so here we sat almost five months with "ZERO" income. I again felt humiliation, psychologically abused from the continuation of Retaliation and Harassment from the Leech Lake Band of Ojibwe.

**III. Statement of Claim**

- ✓ Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.  
☒ Termination of my employment.  
☐ Failure to promote me.  
☐ Failure to accommodate my disability.  
☐ Unequal terms and conditions of my employment.  
☒ Retaliation.  
☒ Other acts *(specify)*: Age Discrimination; Harassment

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
January 2020 through Current

C. I believe that defendant(s) *(check one)*:

- ☒ is/are still committing these acts against me.  
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☐ race \_\_\_\_\_  
☐ color \_\_\_\_\_  
☐ gender/sex \_\_\_\_\_  
☐ religion \_\_\_\_\_  
☐ national origin \_\_\_\_\_  
☒ age *(year of birth)* 1961 *(only when asserting a claim of age discrimination.)*  
☐ disability or perceived disability *(specify disability)* \_\_\_\_\_

E. ✓ The facts of my case are as follows. Attach additional pages if needed.



**Frances Butler (Thunder) Workplace Timeline****"Cause of Events"****(1of2)**

**6/5/2018-3/31/2020** I (Frances E Butler) was employed by Leech Lake Band of Ojibwe as a Full-Time Director making \$34.00 per hour.

**1.7.2020** I (Frances E Butler) had to reprimand our Receptionist (J.J.) niece of Chairman Jackson for inappropriate text messages and creating a "Hostile Work Environment."

**1.8.2020** Chairman Jackson called me Frances Butler via cell phone to ask "Why I did that without waiting to hear from him"? I stated to him "I did contact you Chairman, you just didn't respond", Chairman Jackson stated that "He sent Steve White District 2 Rep. down to talk to J.J.". I stated "Nobody came down and her actions are against our GAPP Policies and Procedures. I also asked Chairman Jackson; "Sir would you allow your staff to talk to you in this manner"? Mr. Jackson replied "NO". I said, "Okay then so we're good"? He then stated before hanging up "Frances now how are we to have a good working relationship now?" I replied, "Well the same way we did before this all happened." Mr. Jackson then hung up the phone.

**1.10.2020** The harassment-retaliation began; It first began with big projects but with short deadlines, Isolation from the Tribal Council, from Management events; Christine Roy Admin Assistant was walking around with note pad writing things down and reporting back to Faron Jackson and Arthur LaRose I had even asked her about her notes as staff had complained; Christine Roy denied allegations.

**3.12.2020 A.M.** I (Frances Butler) texted Robert Budreau and Gordon Fineday my supervisors and asked if they were aware of the memo that had been passed around the office by Christine Roy my Admin Assistant and Ralph Overholt; ICWA Lawyer stating that I have been "Demoted and Christine Roy; Admin Assist will take my Director Position and I Frances Butler will now be Admin Assist"? Robert Budreau replied no but he would look into it and get back with me as Gordon Fineday was out of town.

**3.12.2020 PM** Robert Budreau called and stated "Fran I'm sorry but I do have some bad news; Yes I found out that a meeting took place either yesterday or today and you're being "Demoted"; he stated to asked for the reasoning and there was no reason given. I stated to him it was just more "Retaliation and Harassment and now Age Discrimination" because I reprimanded Chairman's niece and District 2's niece. I told Mr. Budreau that whole thing was a "Catch-22" darned if I do and Darned if I don't fired either way. When you do right it always wrong! Mr. Budreau sent me a copy of the memo from Mr. Whipple; Manager Human Resources. I told Mr. Budreau that a HIPPA Violation occurred by Christine Roy and Ralph Overholt distributing that memo out before I even knew about as the entire staff knew my life changes before, I knew. Now that is a HUGE HIPPA PRIVACY BREECH. He said to do an "Incident Report".

**3.16.2020** I filed a Grievance and Incident Report on Faron Jackson for Retaliation, Harassment, Wrongful Demotion as I was NOT informed of ANY Job-wage changes prior to them taking place.

**3.24.2020 a.m.** I received in mail a very "Intimidating" letter from Mr. Robert Whipple; Manager Human Resources stating that "Frances you, cannot file a Grievance on Mr Jackson and that It's in your best interest NOT pursue this any further otherwise they will have no other option but to TERMINATE my employment".

**3.24.2020 p.m.** I tried to write an email to Mr. Whipple following the email address in our employee phone roster and letterhead. I composed the email and 5 mins later my email was returned to me as "BLOCKED" I tried sending others but any email I sent to anyone in Management was now "BLOCKED" and my communication at this point is "ZERO" not even my supervisors were responding.



(E)

**Frances Butler (Thunder) Unemployment Timeline**  
**"Cause of Events"**

**4.5.2020** Applied for Unemployment Benefits after being notified by Tribal Council Member and some employees that my name was on Lay Off list. However; if they didn't notify me I wouldn't have know as ALL communication had cased with upper management due to reprimands of Jasmin Jackson and Barbara White niece's of Chairman JACKSON AND district 2 Rep Steve White.

**4.17.2020** COVID-19 Related documentation requested by Unemployment, I mailed all required documents to include the: Effective April 5<sup>th</sup> 2020 COVID-19 Pandemic all staff memo from Tribal Council, April 9<sup>th</sup> Dr. Benzie Underlying Health Condition, Robbinsdale School District Email stating week of March 13<sup>th</sup> I was home with Gwiiwizence (foster son) as they reported first case of Coronavirus in school and we were all in Quarantine.

**\*5.07.2020 (UNEMPLOYMENT BENEFITS STOPPED)** BY LEECH LAKE BAND OF OJIBWE AS LLBO INDICATED THAT **"I WALKED OFF THE JOB ON 3.16.2020"**. I DID NOT WALK OFF JOB AS I FILED MY GRIEVENCE AND INCIDENT REPORTS ON 3.16.2020.

**5.22.2020** RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **"I WAS DISCHARGED-FOR WALKING OFF JOB"** SENT REQUIRED DOCUMENTATION BACK.

**6.02.2020** RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **"I QUIT"** SENT REQUIRED DOCUMENTATION BACK INDICATING I DID NOT QUIT.

**6.22.2020** RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **"I WAS DISCHARGED-FOR MISCONDUCT MUST APPEAL"** SENT REQUIRED DOCUMENTATION BACK. **Appeal sent WITH ALL REQUIRED SUPPORTING DOCUMENTATION!!! STILL NO INCOME IT'S BEEN SINCE MAY 7, 2020.**

**7.2.2020** RECEIVED APPEAL NOTIFICATION DATE OF MONDAY AUGUST 17,2020 THAT IS SO FAR AWAY AND I HAVE BEEN GOING WITHOUT INCOME SINCE MAY 7,2020 WHEN LEECH LAKE BAND OF OJBWE STOPPED MY ONLY SORCE OF INCOME AND I HAVE A FOSTER SON TO SUPPORT.

**8.17.2020** attended my unemployment hearing, went well I think.

**8.24.2020** YES! I won my unemployment hearing!!! I had to live with "ZERO INCOME" from "5/07/2020-8/30/2020"

**I CAN NOT BELIEVE OUR TRIBAL COUNCIL AT BE CAN AND WILL MINIPULATE, MISTREAT AND VIOLATE THEIR EMPLOYEES CIVIL RIGHTS. IT'S BAD ENOUGH THEY VIOLATE THE EMPLOYEES AND MAKE THEM GO WITHOUT THEIR MAIN SOURCE OF INCOME TO SURVIVE. PLEASE, DO YOU HAVE VIOLATE OUR OWN ICWA CHILDREN. I AM CARING FOR A CHILD FROM OUR ICWA SYSTEM, THE MONEY WE GET FROM ICWA LIVING IN METRO AREA ONLY COVERS A SLIGHT PORTION OF THE EXTREME MONTHLY COSTS WE ENDURE HERE. THAT MONEY DOESN'T EVEN COVER MY MORTGAGE; THEN YOU CUT OFF MY SOLE INCOME EVEN KNOWING THERE IS A CHILD INVOLVED NOT CARING OR KNOWING IF HE/WE ARE GOING EAT OR KEEP ON LIGHTS OR STAY COOL? THAT IS CLEARLY A VIOLATION OF BOTH OF OUR INDIAN CIVIL RIGHTS UNDER THE ICRA 1968.**

(E)

**Frances Butler (Thunder) Workplace Timeline**  
**"Cause of Events"**  
**(2of2)**

**4.5.2020** EEOC filed

**4.9.2020** I was to get a direct deposit for pay period: (3/23/20-4/3/20) but I did not; so, I tried calling my supervisors and I did not get any responses. It took a couple months, but I finally did receive my last pay check and PTO however I don't know what it was paid out at as they DID NOT send an itemized summary showing at what pay rate. It should have all been paid out at \$34.00 an hour my Director pay.

**5.4.2020** requested my personal belongings from my office via District 3 Representative LeRoy Fairbanks and he said he'll see what he can do but will work on my pay first.

**5.18.2020, 6.9.2020, 6.15.2020 and 9.18.2020** tried to get my personal belongings from my office but still no success

**5.4.2020 TERMINATED DURING THE COVID-19 PANDEMIC; VIOLATION OF THE FFCRA FAMILY FIRST CORONAVIRUS RESPONSE ACT** I received a Termination letter dated **APRIL 24, 2020** from H.R. with a termination date of 3.31.2020.

**WILL REQUEST FOR MY PERSONAL BELONGINGS AS PART OF LAWSUIT ALONG WITH A COPY OF MY PERSONNEL FILE**



E

**m MINNESOTA**  
UNEMPLOYMENT INSURANCE  
Document ID: 151888167



151888167

08/19/2020

FRANCES E BUTLER  
4248 GRIMES AVE N  
ROBBINSDALE MN 55422-1567

Issue Identification Number: 39748080-2

**NOTICE OF DECISION  
OF THE UNEMPLOYMENT LAW JUDGE**

Under Minnesota Statutes 268.105, subdivision 1, the enclosed decision of the Unemployment Law Judge is served on you.

**NOTICE TO THE PARTIES:** The law of the State of Minnesota at Minnesota Statutes 268.105, subdivision 5a, provides that the findings of fact and decision issued are only for unemployment insurance benefit entitlement purposes and do not affect any other legal or contractual matter.

**ALSO MAILED TO:**

LEECH LAKE BAND OF OJIBWE, EMPLOYER

**m MINNESOTA**  
UNEMPLOYMENT INSURANCE  
Document ID: 151888167

In the Matter of:

Frances Butler,

Applicant,

AND

**FINDINGS OF FACT  
AND DECISION**

LEECH LAKE BAND OF OJIBWE,  
Employer.

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An evidentiary hearing, under Minnesota Statutes 268.105, subdivision 1, was conducted on Monday, August 17, 2020, as a result of the Applicant's appeal from a Determination of Ineligibility issued on Tuesday, June 2, 2020.

**ISSUE(S)**

Whether the applicant was discharged because of employment misconduct and is ineligible to receive unemployment benefits.

**FINDINGS OF FACT**

The appeal of Frances Butler was heard on August 17, 2020, by telephone conference call. The applicant, Frances Butler, participated personally. The employer, Leech Lake Band of Ojibwe ("Leech Lake"), did not participate.

Butler was employed by Leech Lake from June 2018 until March 31, 2020. She worked full-time, as a director, earning \$34 per hour.

In January 2020, Butler reprimanded a receptionist for inappropriate sending text messages. The receptionist is the niece of the Chairman. After the reprimand, Butler felt the Chairman retaliated against her.

Effective March 12, 2020, Butler was demoted. She initially found out about the demotion through rumors. When her supervisor informed her of the demotion, she was not provided with a reason, or the opportunity to appeal.



Butler's son attends Robbinsdale Elementary School. On March 13, 2020, the school closed and families were asked to self-quarantine due to a COVID-19 case within the school.

Butler talked to her supervisor and was approved to work from home beginning March 16, 2020. Butler continued to work from home until she was notified by mail (sometime during the first week of April 2020), that she was discharged due to job abandonment. Also around this time a district representative on the tribal council informed Butler that her name was on a lay off list.

On April 8, 2020, Butler submitted an application for an unemployment benefit account. Her account was established effective April 5, 2020.

#### REASONS FOR DECISION

Under Minnesota Statutes, section 268.095, subdivision 4, an applicant who was discharged from employment is ineligible for unemployment benefits if the applicant was discharged because of employment misconduct. Minnesota Statutes, section 268.095, subdivision 6, defines employment misconduct as any intentional, negligent, or indifferent conduct, on or off the job that is a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee.

According to paragraph (b), conduct that was a consequence of the applicant's mental illness or impairment; conduct that was a consequence of the applicant's inefficiency or inadvertence; simple unsatisfactory conduct; conduct an average reasonable employee would have engaged in under the circumstances; conduct that was a consequence of the applicant's inability or incapacity; or good faith errors in judgment if judgment was required are not employment misconduct.

Butler was discharged for reasons other than employment misconduct. An employer has the right to expect an employee to be at work as scheduled, and to properly report absences. Here, Butler was approved to work from home. She continued to perform her duties from home until she was notified that she was on a lay off list; and notified by mail that she was discharged. There is no evidence of conduct by Butler that would be considered a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee.

The findings of fact are based on Butler's testimony. She participated in the hearing under oath. The employer failed to appear for the hearing, and only provided vague statements on its written



**m MINNESOTA**  
 UNEMPLOYMENT INSURANCE  
 Document ID: 151888167

submissions. Butler offered a reasonable and credible explanation for the events prior to her separation. Her statement that she was forced to work from home and quarantine due to a COVID-19 outbreak at her son's school was confirmed by news reports. Further, if Butler had walked off the job on March 16, as alleged by the employer, she likely would have submitted her application for unemployment benefits at that time, instead of waiting until April 8, which coincides with her sequence of events.

Butler did not walk off the job. She continued to work from home as approved until she was discharged without reason. Butler was discharged for reasons other than employment misconduct and may be eligible for unemployment benefits based on her separation from Leech Lake.

### DECISION

On March 31, 2020, Frances Butler was discharged from employment for reasons other than employment misconduct and is eligible to receive unemployment benefits if all other conditions of eligibility are met. Unemployment benefits paid to Butler will, under Minnesota Statutes Section 268.047, subdivision 1, be charged to the reimbursable account of Leech Lake Band of Ojibwe, which has elected to reimburse the Minnesota Unemployment Insurance Trust Fund for any unemployment benefits paid to its former employees, regardless of the reasons for separation from employment.

Dated: Wednesday, August 19, 2020      Unemployment Law Judge

To review your account log in to [www.uimn.org](http://www.uimn.org)

If you have any questions about this decision, you may contact the Unemployment Insurance Program. You must have your Issue Identification Number available when you call.

It is important for you to request benefits according to your assigned schedule during the reconsideration process. If the decision is in your favor, you will be paid for weeks that you have properly requested, provided all the other eligibility requirements are met.

### REQUEST FOR RECONSIDERATION

If you believe this decision is factually or legally incorrect, you may request the unemployment law judge to reconsider the decision. You may do this by logging in to your account at [www.uimn.org/uimn/](http://www.uimn.org/uimn/), by fax, or by mail (fax number and address are listed at the bottom of this page). A request for reconsideration must include the issue identification number.

Under Minnesota Statute 268.105, subdivision 2, this decision will be final unless a request for reconsideration is filed with the unemployment law judge on or before Tuesday, September 8, 2020.



This decision allows you to be paid unemployment benefits if you are otherwise eligible. LEECH LAKE BAND OF OJIBWE has the right to request reconsideration within 20 days from the date this decision was mailed.

See attached Facts with dates

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

April 5, 2020

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)* 8/15/2020

*(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)*

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. ☒ Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.



Frances Butler (Thunder)  
Workplace Timeline  
Complaint for Employment Discrimination  
"Cause of Events"  
(1of2)  
Answer to question V. RELIEF  
(page 6 of 7)

**I am demanding \$300,000 "NOTHING LESS" in punitive damages.** I am also requesting my personal belongings from my office which I have most recently requested and was denied by Christine Roy per Steve Brown. I had just purchased my own office supplies that were in office and everything in there I bought as when I started June 2018, we couldn't buy anything. I also requested a copy of my "Personnel File" I still as of today have not received it. I am also requesting a documented calculation of the rate of pay that my last "Paycheck" and "Unused Personal Leave" was paid out to me as it all should have been at the rate of **\$34.00**. I was not given any documentation of the rate of payout.

My life was turned upside down, they have my home currently at risk of losing, when I bought my home I secured a 3.9% Financing; I now need to try refinance my home to save it but I can't due to my credit being ruined. My once 750-800 credit score is now history because I couldn't pay my credit card bills being I had ZERO income month after month due to third party continued Retaliation and Harassment from the named parties Leech Lake Band of Ojibwe; EMPLOYER; Faron Jackson Sr. Tribal Chairman, Arthur LaRose; Secretary Treasurer and Robert Whipple; Human Resource Manager from 5/7/2020 to the end of August to September.

**\*\*Please see Supporting MN UNEMPLOYMENT JUDICIAL DECISION AND FINDINGS\*\***

Again, I can't explain the muscle pain in my nerves I have endured day after day with the great psychological and emotional distress from the age discrimination, having my personal life events (Demotion from Director to Admin Assistant) distributed to the ENTIRE staff by my Admin Assistant. This was done before I was even notified of the life events. According to the MN Wage Theft Law and out Leech Lake Band of Ojibwe GAPP POLICY and Procedures the staff member "Must be informed by Supervisor and given a formal copy of any employment status changes and/or wage changes prior to them taken place. I WAS NOT INFORMED AT ALL

I received phone calls from band members and staff questioning me regarding the changes; I was blindsided. That was so belittling not to mention psychologically and emotionally draining and it still is today, I had to try hold my composure as I care for a 10 yr old foster child, but it just got so draining that I did have a few melt downs in front of him that couldn't of been helped. Then being fired during the COVID-19 Pandemic another melt down, then Leech Lake Band of Ojibwe continued the Retaliation and Harassment through a third Party; the MN Unemployment; they falsely submitted "VARIOUS" accusations to MN Unemployment to stop benefit payments my sonly source of income; in result I went 5/7/20 until end of August beginning of September with "ZERO" income. Try explaining that to a 10-year-old child. That was months and months of being belittled not to mention psychological and emotional distress at it is greatest. Not knowing where money will come from to pay car payment, mortgage, car insurance, keep lights on, cable, cell phones and the list goes on.

**Attach copy of MN Judicial Courts of Unemployment Decision and Findings**

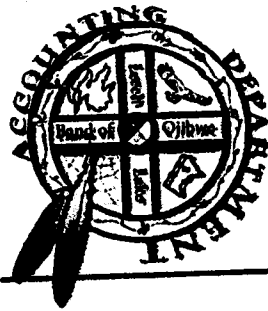
TOTAL Personal Leave  
Due to me @ \$34.00  
per HR = 298 hrs  
owed  
to me

I need an Itemized  
Statement with documented  
pay out wage at these  
pay stubs.

these are part of my  
Relief demands.

\* What is RWARE 2020  
clearing?

\$1,341.23 was  
subtracted from



## LEECH LAKE BAND OF OJIBWE

### ACCOUNTING DEPARTMENT

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#### MEMORANDUM

TO: LLBO Employees

FROM: Karen Warne, Payroll Team Leader *KW*

DATE: Friday, May 08, 2020

SUBJECT: RWare 2020 Clearing

When our computer system went down, we gathered as much information as we could to process the payroll as accurately as possible. We are treating all those payments as a form of payroll advance and have recorded all the monies you've received into an account we called "RWare 2020 Clearing". Now that we have our system back, we are re-processing the January 30, February, March and April payrolls in order to get accurate records. Since you've already been paid for those payrolls, we are applying your net pay to the balance in your RWare 2020 Clearing account. Once all payrolls have been processed, if you have not been paid the full amount you are owed, we will give you a check for the difference between what you have been paid and what you should have been paid. There is also the chance that you may have been overpaid and owe money back to LLBO. We will develop a plan for that should it occur.

For example, let's say you were paid \$1000.00 each pay period from January 30-April 23 for a total of \$7000.00. We will use \$7000.00 as the beginning balance of your RWare 2020 Clearing account. After processing all the payrolls in the system, it is determined that we should have paid you \$7500.00, so we will give you a check for \$500.00.

Please be patient with us as it may take several weeks to complete this process.



Unused Personal Leave  
Hours as of 11/16/20

cut  
found out  
on last  
paychk

ATTENDANCE REPORT - FRANCES BUTLER (5227)

Demotion

Plan	Available	Taken	Balance	Pending	Accepted	Balance - TOR's
PERSONAL	130.00	0.00	130.00	0.00	0.00	130.00

130 = @ 34<sup>00</sup> per hr

Date as of 09:22 AM 2/23/2019

These are all at 34<sup>00</sup> per hr  
 Jan 2nd 2020 pay date = 6 hrs = 136 hrs  
 Jan 16th 2020 pay date = 6 hrs = 142 hrs  
 Jan 30th 2020 pay date = 6 hrs = 148 hrs  
 Feb 13th 2020 pay date = 6 hrs = 154 hrs

Feb 27th = 160 hrs  
 March 17th = 166 @ 34<sup>00</sup> (PL)  
 166 @ 34<sup>00</sup> = 162 - @ 27<sup>00</sup> ending = 169 hrs @ 34<sup>00</sup>

March 26th pay day 3/9 - 3/25  
 = 172 hrs (PL)  
 (3/9 - 3/25)

April 9th = (3/23 - 4/3) Didn't get  
 pd!

① 172 + 6 = 178  
 personal leave hrs!  
unused

al due:  
 178 1:  
 120 2:  
 298 @ \$34.00  
 per hr.

② + 120 held for  
 loan  
 as I was close to  
 not earning anymore  
 hrs. 12/26/2019

**P/R - LLBO PAYROLL ACCOUNT**  
 190 Sailstar Dr NW CASS LAKE, MN 56633  
 FRANCES ELAINE BUTLER

DEPARTMENT 320  
 CHECK DATE 03/26/2020 CHECK NUMBER 767401  
 EMPLOYEE SSN XXX-XX-1896 EMPLOYEE NUMBER 5227

HOURS TYPE	HOURS	GROSS AMOUNT
SALARY	40.00	1,360.00
ANNUAL LEAVE	40.00	1,248.00
Balance due after reprocessing Past payrolls after computer crash		
TOTAL	80.00	\$2,608.00
PAY PERIOD GROSS AMOUNT		\$2,608.00
LESS PAY PERIOD DEDUCTIONS		0.00
NET PAY		\$302.43

DEDUCTION DESCRIPTION	PAY PERIOD AMOUNT	YTD AMOUNT
Federal FICA	157.55	1,273.13
Medicare	36.79	268.32
Minnesota State Tax	85.11	673.01
STATE UNEMPLOYMENT	0.00	0.00
S HEALTH-REG PRE-TAX	66.21	397.26
S DENTAL-REG PRE-TAX	4.25	25.50
CBLP LOAN-1172	75.00	525.00
401(k) EMPLOYEE DEF'D-%	353.60	2,121.60
MIL ADDITIONAL LIFE	28.50	171.00
RRWare 2020 Clearing	1,341.23	8,573.75
TOTAL	0.00	15,175.90

YEAR TO DATE GROSS AMOUNT \$18,928.00

What is  
RRWARE?  
-\$1,341.23



**P/R - LLBO PAYROLL ACCOUNT**  
 190 Sailstar Dr NW  
 CASS LAKE, MN 56633

Western Bank, Cass Lake  
 75-682 / 912

Check No. 767401  
 Date 03/26/2020

PAY Three Hundred Two and Forty Three Cents

Check Amount  
 \$302.43

TO THE ORDER OF  
 FRANCES ELAINE BUTLER  
 4248 GRIMES AVE N  
 ROBBINSDALE, MN 55422

Secretary - Treasurer

⑈ 767401 ⑈ ⑆091206826⑆ ⑈ 10003677⑈

⑈0000030243⑈

P/R - LLBO PAYROLL ACCOUNT  
190 Sallstar Dr NW CASS LAKE, MN 56633  
FRANCES ELAINE BUTLER

CHECK DATE 07/09/2020  
EMPLOYEE SSN XXX-XX-1896

DEPARTMENT 320  
CHECK NUMBER 773051  
EMPLOYEE NUMBER 5227

HOURS TYPE	HOURS	GROSS AMOUNT
ANNUAL LEAVE PAYOUT	235.00	6,345.00
TOTAL	235.00	\$6,345.00
PAY PERIOD GROSS AMOUNT		\$6,345.00
LESS PAY PERIOD DEDUCTIONS		0.00
NET PAY		\$2,646.45

DEDUCTION DESCRIPTION	PAY PERIOD	YTD
Federal	1,101.24	2,374.37
FICA	393.38	1,540.71
Medicare	92.01	360.33
Minnesota State Tax	396.57	1,069.58
STATE UNEMPLOYMENT	0.00	0.00
S HEALTH-REG PRE-TAX	0.00	397.26
S DENTAL-REG PRE-TAX	0.00	25.50
CBLP LOAN-1172	1,715.35	2,240.35
401(K) EMPLOYEE DEF'D-%	0.00	2,121.60
MIL ADDITIONAL LIFE	0.00	171.00
Rware 2020 Cleaning	10.00	8,573.75
TOTAL	0.00	18,874.45

YEAR TO DATE GROSS AMOUNT \$25,273.00



P/R - LLBO PAYROLL ACCOUNT  
190 Sallstar Dr NW  
CASS LAKE, MN 56633

Western Bank, Cass Lake  
75-682 / 912

Check No. 773051  
Date 07/09/2020

PAY Two Thousand Six Hundred Forty Six and Forty Five Cents

Check Amount: \$2,646.45

TO THE  
ORDER  
OF  
FRANCES ELAINE BUTLER  
4248 GRIMES AVE N  
ROBBINSDALE, MN 55422

*Frances Elaine Butler*  
Secretary - Treasurer

⑈ 773051 ⑈ ⑈ 091206826 ⑈ ⑈ 10003677 ⑈

⑈ 00000264645 ⑈



08/19/2020

151888167  
FRANCES E BUTLER  
4248 GRIMES AVE N  
ROBBINSDALE MN 55422-1567

Issue Identification Number: 39748080-2

**NOTICE OF DECISION  
OF THE UNEMPLOYMENT LAW JUDGE**

Under Minnesota Statutes 268.105, subdivision 1, the enclosed decision of the Unemployment Law Judge is served on you.

**NOTICE TO THE PARTIES:** The law of the State of Minnesota at Minnesota Statutes 268.105, subdivision 5a, provides that the findings of fact and decision issued are only for unemployment insurance benefit entitlement purposes and do not affect any other legal or contractual matter.

**ALSO MAILED TO:**

LEECH LAKE BAND OF OJIBWE, EMPLOYER



**m MINNESOTA**  
UNEMPLOYMENT INSURANCE  
Document ID: 151888167

In the Matter of:

Frances Butler,  
Applicant,  
AND

**FINDINGS OF FACT  
AND DECISION**

LEECH LAKE BAND OF OJIBWE,  
Employer.

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An evidentiary hearing, under Minnesota Statutes 268.105, subdivision 1, was conducted on Monday, August 17, 2020, as a result of the Applicant's appeal from a Determination of Ineligibility issued on Tuesday, June 2, 2020.

**ISSUE(S)**

Whether the applicant was discharged because of employment misconduct and is ineligible to receive unemployment benefits.

**FINDINGS OF FACT**

The appeal of Frances Butler was heard on August 17, 2020, by telephone conference call. The applicant, Frances Butler, participated personally. The employer, Leech Lake Band of Ojibwe ("Leech Lake"), did not participate.

Butler was employed by Leech Lake from June 2018 until March 31, 2020. She worked full-time, as a director, earning \$34 per hour.

In January 2020, Butler reprimanded a receptionist for inappropriate sending text messages. The receptionist is the niece of the Chairman. After the reprimand, Butler felt the Chairman retaliated against her.

Effective March 12, 2020, Butler was demoted. She initially found out about the demotion through rumors. When her supervisor informed her of the demotion, she was not provided with a reason, or the opportunity to appeal.



Butler's son attends Robbinsdale Elementary School. On March 13, 2020, the school closed and families were asked to self-quarantine due to a COVID-19 case within the school.

Butler talked to her supervisor and was approved to work from home beginning March 16, 2020. Butler continued to work from home until she was notified by mail (sometime during the first week of April 2020), that she was discharged due to job abandonment. Also around this time a district representative on the tribal council informed Butler that her name was on a lay off list.

On April 8, 2020, Butler submitted an application for an unemployment benefit account. Her account was established effective April 5, 2020.

### REASONS FOR DECISION

Under Minnesota Statutes, section 268.095, subdivision 4, an applicant who was discharged from employment is ineligible for unemployment benefits if the applicant was discharged because of employment misconduct. Minnesota Statutes, section 268.095, subdivision 6, defines employment misconduct as any intentional, negligent, or indifferent conduct, on or off the job that is a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee.

According to paragraph (b), conduct that was a consequence of the applicant's mental illness or impairment; conduct that was a consequence of the applicant's inefficiency or inadvertence; simple unsatisfactory conduct; conduct an average reasonable employee would have engaged in under the circumstances; conduct that was a consequence of the applicant's inability or incapacity; or good faith errors in judgment if judgment was required are not employment misconduct.

Butler was discharged for reasons other than employment misconduct. An employer has the right to expect an employee to be at work as scheduled, and to properly report absences. Here, Butler was approved to work from home. She continued to perform her duties from home until she was notified that she was on a lay off list; and notified by mail that she was discharged. There is no evidence of conduct by Butler that would be considered a serious violation of the standards of behavior the employer has the right to reasonably expect of the employee.

The findings of fact are based on Butler's testimony. She participated in the hearing under oath. The employer failed to appear for the hearing, and only provided vague statements on its written



submissions. Butler offered a reasonable and credible explanation for the events prior to her separation. Her statement that she was forced to work from home and quarantine due to a COVID-19 outbreak at her son's school was confirmed by news reports. Further, if Butler had walked off the job on March 16, as alleged by the employer, she likely would have submitted her application for unemployment benefits at that time, instead of waiting until April 8, which coincides with her sequence of events.

Butler did not walk off the job. She continued to work from home as approved until she was discharged without reason. Butler was discharged for reasons other than employment misconduct and may be eligible for unemployment benefits based on her separation from Leech Lake.

### DECISION

On March 31, 2020, Frances Butler was discharged from employment for reasons other than employment misconduct and is eligible to receive unemployment benefits if all other conditions of eligibility are met. Unemployment benefits paid to Butler will, under Minnesota Statutes Section 268.047, subdivision 1, be charged to the reimbursable account of Leech Lake Band of Ojibwe, which has elected to reimburse the Minnesota Unemployment Insurance Trust Fund for any unemployment benefits paid to its former employees, regardless of the reasons for separation from employment.

Dated: Wednesday, August 19, 2020      Unemployment Law Judge

To review your account log in to [www.uimn.org](http://www.uimn.org)

If you have any questions about this decision, you may contact the Unemployment Insurance Program. You must have your Issue Identification Number available when you call.

It is important for you to request benefits according to your assigned schedule during the reconsideration process. If the decision is in your favor, you will be paid for weeks that you have properly requested, provided all the other eligibility requirements are met.

### REQUEST FOR RECONSIDERATION

If you believe this decision is factually or legally incorrect, you may request the unemployment law judge to reconsider the decision. You may do this by logging in to your account at [www.uimn.org/uimn/](http://www.uimn.org/uimn/), by fax, or by mail (fax number and address are listed at the bottom of this page). A request for reconsideration must include the issue identification number.

Under Minnesota Statute 268.105, subdivision 2, this decision will be final unless a request for reconsideration is filed with the unemployment law judge on or before Tuesday, September 8, 2020.



This decision allows you to be paid unemployment benefits if you are otherwise eligible. LEECH LAKE BAND OF OJIBWE has the right to request reconsideration within 20 days from the date this decision was mailed.





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Minneapolis Area Office**

330 South Second Avenue, Suite 720  
Minneapolis, MN 55401-2224  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-6820  
Minneapolis Direct Dial: (612) 552-7306  
FAX (612) 335-4044  
Website: [www.eeoc.gov](http://www.eeoc.gov)

Frances E. Butler  
4248 Grimes Ave N  
Robbinsdale, MN 55422

Dear Sir/Madam:

Recently, during the COVID-19 pandemic, the Investigator assigned to your charge discussed your allegations with you over the telephone and indicated that a recommendation was being made to management concerning your charge. You were invited to provide any additional information you might have concerning your allegations.

This letter is to advise you that management has considered the Investigator's recommendation, along with any additional information you may have submitted. Your charge is now being dismissed, and you are being issued a Notice of Right to Sue. The enclosed document entitled "Dismissal and Notice of Rights" explains that, should you wish to pursue the matter in court, *you must file suit within 90 days of your receipt of the enclosed Notice of Right to Sue.*

Your charge has been dismissed, because it is our judgment that EEOC cannot prove your allegations given the evidence provided through the course of this investigation. The evidence obtained to date, in addition to our limited resources, does not justify further investigation.

An information sheet is enclosed which describes how you can obtain a copy of your EEOC file and how you can file a lawsuit, should you wish to pursue your claim in court. If you have questions or concerns, you can reach your EEOC Representative listed on your Notice of Right to Sue at the number listed.

Enclosures

EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Frances E. Butler**  
**4248 Grimes Ave N**  
**Robbinsdale, MN 55422**

From: **Minneapolis Area Office**  
**Equal Employment Opportunity**  
**Commission**  
**330 S 2nd Avenue, Suite 720**  
**Minneapolis, MN 55401**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

Telephone No.

EEOC Charge No.

EEOC Representative

444-2020-01138

**Benjamin A. Lidholm,**  
**Investigator**

(612) 552-7328

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (No jurisdiction)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Julianne Bowman/PM*

08/12/2020

Enclosures(s)

**Julianne Bowman,**  
**District Director**

(Date Mailed)

cc:

**Robert Whipple**  
**Human Resources Manager**  
**LEECH LAKE BAND OF OJIBWE**  
**190 Sailstar Drive**  
**Cass Lake, MN 56633**

**\*\*PLEASE SEE ATTACHED DOCUMENT LABELED:\*\***

## **VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### **A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/11/2020

Signature of Plaintiff

Printed Name of Plaintiff Frances Elaine Butler (Thunder)

### **B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

**RECEIVED** UNITED STATES DISTRICT COURT

NOV 12 2020

CLERK, U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTAfor the  
District of Minnesota

Division

Frances Elaine Butler (Thunder)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Leech Lake band of Ojibwe, EMPLOYER  
Faron Jackson Sr.; Tribal Chairman  
Arthur LaRose; Secretary Treasurer  
Robert Whipple; Human Resources Manager

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
(Non-Prisoner Complaint)**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.





**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Frances Elaine Butler (Thunder)		
Address			
	City	State	Zip Code
County	Hennepin		
Telephone Number	763.614.4304		
E-Mail Address	francesbutler3@gmail.com		

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	Leech lake Bank of Ojibwe		
Job or Title (if known)	EMPLOYER		
Address	190 Sailstar Drive NW		
	Cass Lake	MN	56633
	City	State	Zip Code
County	Cass		
Telephone Number	1.218.335.3909		
E-Mail Address (if known)			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

**Defendant No. 2**

Name	Faron Jackson Sr.		
Job or Title (if known)	Tribal Chairman		
Address	190 Sailstar Drive NW		
	Cass Lake	MN	56633
	City	State	Zip Code
County	Cass		
Telephone Number	1.218.335.3909		
E-Mail Address (if known)			
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

## Defendant No. 3

Name Arthur LaRose  
 Job or Title (if known) Secretary Treasurer  
 Address 190 Sailstar Drive NW  
 Cass Lake MN 56633  
 City State Zip Code  
 County Cass  
 Telephone Number 1.218.335.3909 or 1.218.203.7281  
 E-Mail Address (if known)

☒ Individual capacity ☐ Official capacity

## Defendant No. 4

Name Robert Whipple  
 Job or Title (if known) Human Resource Manager  
 Address 190 Sailstar Drive NW  
 Cass Lake MN 56633  
 City State Zip Code  
 County Cass  
 Telephone Number 1.218.335.3909  
 E-Mail Address (if known)

☒ Individual capacity ☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)  
☐ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

✓  
Leech Lake Band of Ojibwe; EMPLOYER  
Faron Jackson Sr.; Tribal Chairman  
Arthur LaRose; Secretary Treasurer  
Robert Whipple; Human Resource Manager

(III) 4 of 6

The above-named Defendants all are upper Management for the Leech Lake Band of Ojibwe and the three named defendants work hand and hand with each other. Mr. LaRose is the more aggressive one and is very intimidating to the other two named defendants. Mr. Jackson and Mr Whipple will do whatever Mr. LaRose tells them to do. If you reprimand someone they placed into a position the three of them will work hand and hand and hold secret Council meetings and will talk each other into firing an individual as they all hold "Criminal Actions" such as payroll Fraud for one over each other. I do not slander anyone especially my nephew Mr. LaRose. Yes, I am ashamed to say it but he is my nephew and how he stays in office after robbing the Casino in his early years is beyond me. It could be because they placed his wife as a Director of Tribal Enrollment? I do believe she has now taken on retirement. So, we will see if he makes reelection this time around.

I (Frances E Butler) was employed by Leech Lake Band of Ojibwe from 6/5/2018-3/31/2020 as a Full-Time Director making \$34.00 per hour. In January I (Frances E Butler) had to reprimand our Receptionist for inappropriate text messages and creating a "Hostile Work Environment", our receptionist is the niece of Chairman Jackson. After the reprimand Chairman Jackson and his little team above named Defendants started to "Retaliate and Harrass" me. Mr. Jackson also asked me why I reprimanded her without informing him; I replied that I did inform you and you going to get back with me and that never happened. He also stated that he had requested Steve White District 2 Representative. I stated well he never showed up. I asked if he would allow his employees to speak to him like that and he replied "No"; then he stated well tell now Frances "How are we to have a good working relationship now?" I stated just like we have been as this should not reflect or effect our day to day business. Mr. Jackson then hung up the telephone. The "Retaliation & Harassment" went on until Friday; March 13, 2020 and I received phone calls from co-workers/employees asking me what is going on; I said, "What do you Mean"? I was told by the callers that there was a memo given to them by my Administrative Assistant and our ICWA Lawyer stating that I have been "Demoted to Admin Assistant" and your Admin Assistant is being promoted to "Director". Nobody from Human Resources or Management contacted me at all to discuss this "Life Change Regarding Job Status or Pay". I knew then this was excessive Retaliation and Harassment as I was now being "Demoted" with no explanation or notice and my job was being replaced with someone younger than me. Monday, March 16, 2020 I filed a "Grievance" on Chairman Jackson, I then received an "Intimidation Letter" from Robert Whipple; Human Resource Manager stating that I cannot file a "Grievance" on Chairman Jackson and if I continue to pursue this matter that they will have no other recourse but to terminate my employment. I then filed my EEOC for Age Discrimination, Wage Theft, Retaliation and Harassment. I was notified by one of the Council Members that they had seen my name on the Layoff list and wanted to know what was going on. I explained what had happened and I was informed that they should have done a "Full Council Meeting" as that is the requirement whenever an employee is being fired, Demoted etc., as they all need to know what is going on and why. Only three of the five Council Members knew about the meeting and the remainder two and Executive Director nor Deputy Director (my Supervisors) were not at the meeting. My own Supervisors that are part of that Council were not even informed. I had to call my supervisor and find out what he knew. Mr. Whipple also violated my HIPPA Rights by distributing my life changes before I was even aware of it. I applied for MN Unemployment and the third party Retaliation for Engaging in Protected Activity and Harassment continued as the three above named Defendants held secret Council meetings and started interfering with my Unemployment Benefits. I received notice that my "SOLE INCOME" was being terminated until I file an appeal. I did file my appeal and I finally won my MN Unemployment case in August under MN Statutes 268.105, subdivision 5a. I also support a Foster Son which they are fully aware of but did not care whether we ate or not; so here we sat almost five months with "ZERO" income. I again felt humiliation, psychologically abused from the continuation of Retaliation and Harassment from the Leech Lake Band of Ojibwe.

- 
- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- 

### III. ✓ Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?  
2438 27th Ave South Minneapolis, MN
- 

- B. What date and approximate time did the events giving rise to your claim(s) occur?  
January 2020-Present; it is still continuing as I get calls from former staff and employees asking the most random questions but all of them end up asking me about a lawsuit and unemployment; I don't reveal any information. I'm not sure how these employees even know about this. It occurred and occurs during the time of 8:00-5:00 p.m. Monday through Fridays.
- 

- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)  
PLEASE SEE Frances Butler (Thunder) Workplace Timeline  
• "Cause of Events" FOR DOCUMENTED DATES AND CAUSE, WHAT HAPPENED, NAMES.

ANYONE ELSE INVOLVED? YES, MARY JONES VALBUNA

WHO ELSE SAW WHAT HAPPENED? MARY JONES VALBUNA, CHRISTINE ROY, STEVE WHITE, GORDON FINEDAY, ROBERT BUDREAU, FARON JACKSON, ARTHUR LAROSE, GINA SANCHEZ ERWIN, RALPH OVERHOLT,

---



**Frances Butler (Thunder) Workplace Timeline**  
**"Cause of Events"**  
**(1of2)**

For: **III** Statement claim  
page 4 of 6

6/5/2018-3/31/2020 I (Frances E Butler) was employed by Leech Lake Band of Ojibwe as a Full-Time Director making \$34.00 per hour.

1.7.2020 I (Frances E Butler) had to reprimand our Receptionist (J.J.) niece of Chairman Jackson for inappropriate text messages and creating a "Hostile Work Environment."

1.8.2020 Chairman Jackson called me Frances Butler via cell phone to ask "Why I did that without waiting to hear from him"? I stated to him "I did contact you Chairman, you just didn't respond", Chairman Jackson stated that "He sent Steve White District 2 Rep. down to talk to J.J.". I stated "Nobody came down and her actions are against our GAPP Policies and Procedures. I also asked Chairman Jackson; "Sir would you allow your staff to talk to you in this manner"? Mr. Jackson replied "NO". I said, "Okay then so we're good"? He then stated before hanging up "Frances now how are we to have a good working relationship now?" I replied, "Well the same way we did before this all happened." Mr. Jackson then hung up the phone.

1.10.2020 The harassment-retaliation began; It first began with big projects but with short deadlines, Isolation from the Tribal Council, from Management events; Christine Roy Admin Assistant was walking around with note pad writing things down and reporting back to Faron Jackson and Arthur LaRose I had even asked her about her notes as staff had complained; Christine Roy denied allegations.

3.12.2020 A.M. I (Frances Butler) texted Robert Budreau and Gordon Fineday my supervisors and asked if they were aware of the memo that had been passed around the office by Christine Roy my Admin Assistant and Ralph Overholt; ICWA Lawyer stating that I have been "Demoted and Christine Roy; Admin Assist will take my Director Position and I Frances Butler will now be Admin Assist"? Robert Budreau replied no but he would look into it and get back with me as Gordon Fineday was out of town.

3.12.2020 PM Robert Budreau called and stated "Fran I'm sorry but I do have some bad news; Yes I found out that a meeting took place either yesterday or today and you're being "Demoted"; he stated to asked for the reasoning and there was no reason given. I stated to him it was just more "Retaliation and Harassment and now Age Discrimination" because I reprimanded Chairman's niece and District 2's niece. I told Mr. Budreau that whole thing was a "Catch-22" darned if I do and Darned if I don't fired either way. When you do right it always wrong! Mr. Budreau sent me a copy of the memo from Mr. Whipple; Manager Human Resources. I told Mr. Budreau that a HIPPA Violation occurred by Christine Roy and Ralph Overholt distributing that memo out before I even knew about as the entire staff knew my life changes before, I knew. Now that is a HUGE HIPPA PRIVACY BREECH. He said to do an "Incident Report".

3.16.2020 I filed a Grievance and Incident Report on Faron Jackson for Retaliation, Harassment, Wrongful Demotion as I was NOT informed of ANY Job-wage changes prior to them taking place.

3.24.2020 a.m. I received in mail a very "Intimidating" letter from Mr. Robert Whipple; Manager Human Resources stating that "Frances you, cannot file a Grievance on Mr Jackson and that It's in your best interest NOT pursue this any further otherwise they will have no other option but to TERMINATE my employment".

3.24.2020 p.m. I tried to write an email to Mr. Whipple following the email address in our employee phone roster and letterhead. I composed the email and 5 mins later my email was returned to me as "BLOCKED" I tried sending others but any email I sent to anyone in Management was now "BLOCKED" and my communication at this point is "ZERO" not even my supervisors were responding.

**Frances Butler (Thunder) Unemployment Timeline**  
**"Cause of Events"**

4.5.2020 Applied for Unemployment Benefits after being notified by Tribal Council Member and some employees that my name was on Lay Off list. However; if they didn't notify me I wouldn't have know as ALL communication had cased with upper management due to reprimands of Jasmin Jackson and Barbara White niece's of Chairman JACKSON AND district 2 Rep Steve White.

4.17.2020 COVID-19 Related documentation requested by Unemployment, I mailed all required documents to include the: Effective April 5<sup>th</sup> 2020 COVID-19 Pandemic all staff memo from Tribal Council, April 9<sup>th</sup> Dr. Benzie Underlying Health Condition, Robbinsdale School District Email stating week of March 13<sup>th</sup> I was home with Gwiiwizence (foster son) as they reported first case of Coronavirus in school and we were all in Quarantine.

\*5.07.2020 **UNEMPLOYMENT BENEFITS STOPPED** BY LEECH LAKE BAND OF OJIBWE AS LLBO INDICATED THAT **I WALKED OFF THE JOB TO GO TO WORK** I DID NOT WALK OFF JOB AS I FILED MY GRIEVENCE AND INCIDENT REPORTS ON 3.16.2020.

5.22.2020 RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **I WAS STOPPED FROM WORKING OFF JOB** SENT REQUIRED DOCUMENTATION BACK.

6.02.2020 RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **I QUIT** SENT REQUIRED DOCUMENTATION BACK INDICATING I DID NOT QUIT.

6.22.2020 RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **I WAS STOPPED FROM WORKING OFF JOB** **APPEAL** SENT REQUIRED DOCUMENTATION BACK. **Appeal sent WITH ALL REQUIRED SUPPORTING DOCUMENTATION!!! STILL NO INCOME IT'S BEEN SINCE MAY 7, 2020.**

7.2.2020 RECEIVED APPEAL NOTIFICATION DATE OF MONDAY AUGUST 17,2020 THAT IS SO FAR AWAY AND I HAVE BEEN GOING WITHOUT INCOME SINCE MAY 7,2020 WHEN LEECH LAKE BAND OF OJBWE STOPPED MY ONLY SOURCE OF INCOME AND I HAVE A FOSTER SON TO SUPPORT.

8.17.2020 attended my unemployment hearing, went well I think.

8.24.2020 YES! I won my unemployment hearing!!! I had to live with "ZERO INCOME" from "5/07/2020-8/30/2020"

**I CAN NOT BELIEVE OUR TRIBAL COUNCIL AT BE CAN AND WILL MINIPULATE, MISTREAT AND VIOLATE THEIR EMPLOYEES CIVIL RIGHTS. IT'S BAD ENOUGH THEY VIOLATE THE EMPLOYEES AND MAKE THEM GO WITHOUT THEIR MAIN SOURCE OF INCOME TO SURVIVE. PLEASE, DO YOU HAVE VIOLATE OUR OWN ICWA CHILDREN. I AM CARING FOR A CHILD FROM OUR ICWA SYSTEM, THE MONEY WE GET FROM ICWA LIVING IN METRO AREA ONLY COVERS A SLIGHT PORTION OF THE EXTREME MONTHLY COSTS WE ENDURE HERE. THAT MONEY DOESN'T EVEN COVER MY MORTGAGE; THEN YOU CUT OFF MY SOLE INCOME EVEN KNOWING THERE IS A CHILD INVOLVED NOT CARING OR KNOWING IF HE/WE ARE GOING EAT OR KEEP ON LIGHTS OR STAY COOL? THAT IS CLEARLY A VIOLATION OF BOTH OF OUR INDIAN CIVIL RIGHTS UNDER THE ICRA 1968.**

**Frances Butler (Thunder) Workplace Timeline**  
**"Cause of Events"**  
**(2of2)**

4.5.2020 EEOC filed

4.9.2020 I was to get a direct deposit for pay period: (3/23/20-4/3/20) but I did not; so, I tried calling my supervisors and I did not get any responses. It took a couple months, but I finally did receive my last pay check and PTO however I don't know what it was paid out at as they DID NOT send an itemized summary showing at what pay rate. It should have all been paid out at \$34.00 an hour my Director pay.

5.4.2020 requested my personal belongings from my office via District 3 Representative LeRoy Fairbanks and he said he'll see what he can do but will work on my pay first.

5.18.2020, 6.9.2020, 6.15.2020 and 9.18.2020 tried to get my personal belongings from my office but still no success

**5.4.2020 TERMINATED DURING THE COVID-19 PANDEMIC; VIOLATION OF THE FFCRA FAMILY FIRST CORONAVIRUS RESPONSE ACT** I received a Termination letter dated **APRIL 24, 2020** from H.R. with a termination date of 3.31.2020.

**WILL REQUEST FOR MY PERSONAL BELONGINGS AS PART OF LAWSUIT ALONG WITH A COPY OF MY PERSONNEL FILE**

**Frances Butler (Thunder) Unemployment Timeline  
"Cause of Events"**

4.5.2020 Applied for Unemployment Benefits after being notified by Tribal Council Member and some employees that my name was on Lay Off list. However; if they didn't notify me I wouldn't have know as ALL communication had cased with upper management due to reprimands of Jasmin Jackson and Barbara White niece's of Chairman JACKSON AND district 2 Rep Steve White.

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\*5.07.2020 **UNEMPLOYMENT BENEFITS STOPPED** BY LEECH LAKE BAND OF OJIBWE AS LLBO INDICATED THAT **I WALKED OFF THE JOB ON 16.07.2020** I DID NOT WALK OFF JOB AS I FILED MY GRIEVENCE AND INCIDENT REPORTS ON 3.16.2020.

5.22.2020 RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **I WAS DISCHARGED FOR VIOLATING THE JOB** SENT REQUIRED DOCUMENTATION BACK.

6.02.2020 RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **I QUIT** SENT REQUIRED DOCUMENTATION BACK INDICATING I DID NOT QUIT.

6.22.2020 RECEIVED UNEMPLOYMENT DOCUMENTS INDICATING **I WAS DISCHARGED FOR VIOLATING THE JOB** **APPEAL** SENT REQUIRED DOCUMENTATION BACK. **Appeal sent WITH ALL REQUIRED SUPPORTING DOCUMENTATION!!! STILL NO INCOME IT'S BEEN SINCE MAY 7, 2020.**

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**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have endured great psychological and emotional distress from the age discrimination, having my personal life events (Demotion from Director to Admin Assistant) distributed to the ENTIRE staff by my Admin Assistant. This was done before I was even notified of the events. I received phone calls from band members and staff questioning me; I was blind sided. That was so belittling not to mention psychologically and emotionally draining and it still is, I had to try hold my composure as I care for a 10 yr old foster child, but it just got so draining that I did have a few melt downs in front of him that couldn't of been helped. Then being fired during the COVID-19 Pandemic another melt down, then Leech Lake Band of Ojibwe continued the Retaliation and Harassment through a third Party; the MN Unemployment; they falsely submitted "VARIOUS" accusations to MN Unemployment to stop benefit payments my only source of income; in result I went 5/7/20 until end of August beginning of September with "ZERO" income. Try explain that to a 10 year old child. That was months and months of being belittled not to mention psychological and emotional distress at it's greatest. Not knowing where money will come from to pay car payment, mortgage, car insurance, keep lights on, cable, cell phones and the list goes on.

But lots of prayers and talks with God is helping me through this still today as going with no income has put my home at risk of loosing as I had no income! I can't get refinanced as I couldn't pay my credit cards with ZERO money; so they also ruined my credit. My life was turned upside down for doing my job and not being a criminal; but at least at the end I can rest easy knowing I didn't do bad unto others as some did.

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

PLEASE SEE THE ATTACHED DOCUMENT LABLED:

Frances Butler (Thunder)

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non - Prisoner)

Answer to question V. RELIEF

(page 5 of 6)



**Frances Butler (Thunder)**

**Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)**

**Answer to question V. RELIEF**

**(page 5 of 6)**

**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

**I am demanding \$300,000 "NOTHING LESS" in punitive damages.** I am also requesting my personal belongings from my office which I have most recently requested and was denied by Christine Roy per Steve Brown. I had just purchased my own office supplies that were in office and everything in there I bought as when I started June 2018, we couldn't buy anything. I also requested a copy of my "Personnel File" I still as of today have not received it. I am also requesting a documented calculation of the rate of pay that my last "Paycheck" and "Unused Personal Leave" was paid out to me as it all should have been at the rate of **\$34.00**. I was not given any documentation of the rate of payout.

My life was turned upside down, they have my home currently at risk of losing, when I bought my home I secured a 3.9% Financing; I now need to try refinance my home to save it but I can't due to my credit being ruined. My once 750-800 credit score is now history because I couldn't pay my credit card bills being I had ZERO income month after month due to third party continued Retaliation and Harassment from the named parties Leech Lake Band of Ojibwe; EMPLOYER; Faron Jackson Sr. Tribal Chairman, Arthur LaRose; Secretary Treasurer and Robert Whipple; Human Resource Manager from 5/7/2020 to the end of August to September.

**\*\*Please see Supporting MN UNEMPLOYMENT JUDICIAL DECISION AND FINDINGS\*\***

Again, I can't explain the muscle pain in my nerves I have endured day after day with the great psychological and emotional distress from the age discrimination, having my personal life events (Demotion from Director to Admin Assistant) distributed to the ENTIRE staff by my Admin Assistant. This was done before I was even notified of the life events. According to the MN Wage Theft Law and out Leech Lake Band of Ojibwe GAPP POLICY and Procedures the staff member "Must be informed by Supervisor and given a formal copy of any employment status changes and/or wage changes prior to them taken place. I WAS NOT INFORMED AT ALL

I received phone calls from band members and staff questioning me regarding the changes; I was blindsided. That was so belittling not to mention psychologically and emotionally draining and it still is today, I had to try hold my composure as I care for a 10 yr old foster child, but it just got so draining that I did have a few melt downs in front of him that couldn't of been helped. Then being fired during the COVID-19 Pandemic another melt down, then Leech Lake Band of Ojibwe continued the Retaliation and Harassment through a third Party; the MN Unemployment; they falsely submitted "VARIOUS" accusations to MN Unemployment to stop benefit payments my sonly source of income; in result I went 5/7/20 until end of August beginning of September with "ZERO" income. Try explaining that to a 10-year-old child. That was months and months of being belittled not to mention psychological and emotional distress at it is greatest. Not knowing where money will come from to pay car payment, mortgage, car insurance, keep lights on, cable, cell phones and the list goes on.

**Attach copy of MN Judicial Courts of Unemployment Decision and Findings**

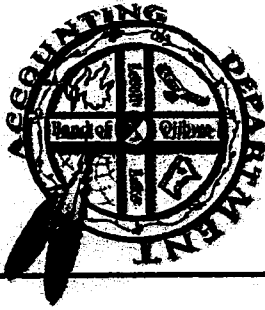
TOTAL Personal Leave  
Due to me @ \$34.00  
per HR = 298 hrs  
owed  
to me

I need an Itemized  
Statement with documented  
pay out wage at these  
pay stubs.

these are part of my  
Relief demands.

\* What is: RWARE 2020  
clearing?

\$1,341.23 was  
subtracted from



## LEECH LAKE BAND OF OJIBWE

### ACCOUNTING DEPARTMENT

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#### MEMORANDUM

TO: LLBO Employees

FROM: Karen Warne, Payroll Team Leader *KW*

DATE: Friday, May 08, 2020

SUBJECT: RWare 2020 Clearing

When our computer system went down, we gathered as much information as we could to process the payroll as accurately as possible. We are treating all those payments as a form of payroll advance and have recorded all the monies you've received into an account we called "RWare 2020 Clearing". Now that we have our system back, we are re-processing the January 30, February, March and April payrolls in order to get accurate records. Since you've already been paid for those payrolls, we are applying your net pay to the balance in your RWare 2020 Clearing account. Once all payrolls have been processed, if you have not been paid the full amount you are owed, we will give you a check for the difference between what you have been paid and what you should have been paid. There is also the chance that you may have been overpaid and owe money back to LLBO. We will develop a plan for that should it occur.

For example, let's say you were paid \$1000.00 each pay period from January 30-April 23 for a total of \$7000.00. We will use \$7000.00 as the beginning balance of your RWare 2020 Clearing account. After processing all the payrolls in the system, it is determined that we should have paid you \$7500.00, so we will give you a check for \$500.00.

Please be patient with us as it may take several weeks to complete this process.

Unused Personal Leave  
 Hours as of 11/16/20 17.00  
 found out on last paych

ATTENDANCE REPORT - FRANCES BUTLER (5227)

Demotion

Plan	Available	Taken	Balance	Pending	Accepted	TOR's
PERSONAL	130.00	0.00	130.00	0.00	0.00	130.00

Data accurate as of 09:22 AM 2/23/2019

130 = @ 34<sup>00</sup> per hr

These are all at 34<sup>00</sup> per hr  
 Jan 2nd 2020 pay date = 6 hrs = 136 hrs  
 Jan. 16th 2020 pay date = 6 hrs = 142 hrs  
 Jan. 30th 2020 pay date = 6 hrs = 148 hrs  
 Feb. 13th 2020 pay date = 6 hrs = 154 hrs

Feb. 27th = 160 hrs  
 March 17th = PL @ 34<sup>00</sup> (demotion)  
 166 @ 34<sup>00</sup> = 12 - @ 27<sup>00</sup> ending = 166 hrs @ 34<sup>00</sup>

March 26th pay day 3/9 - 3/25  
 = 172 hrs (PL)  
 (3/9 - 3/25)

April 9th = (3/23 - 4/3) Didn't get pd!

① 172 + 6 = 178

personal leave hrs!  
unused

al due:  
 178 1.  
 120 2.  
298 @ \$34.00 per hr.

② + 120 held for loan  
 as I was close to not earning anymore hrs!  
 12/26/2019

What is  
RWARE?  
\$1,341.23

P/R - LLBO PAYROLL ACCOUNT  
190 Sallstar Dr NW CASS LAKE, MN 56633  
FRANCES ELAINE BUTLER

DEPARTMENT 320  
CHECK DATE 03/26/2020 CHECK NUMBER 767401  
EMPLOYEE SSN XXX-XX-1896 EMPLOYEE NUMBER 5227

HOURS TYPE	HOURS	GROSS AMOUNT
SALARY	40.00	1,360.00
ANNUAL LEAVE	40.00	1,248.00
Balance due after reprocessing Past payrolls after computer crash		
TOTAL	80.00	\$2,608.00
PAY PERIOD GROSS AMOUNT		\$2,608.00
LESS PAY PERIOD DEDUCTIONS		0.00
NET PAY		\$302.43

DEDUCTION DESCRIPTION	PAY PERIOD AMOUNT	YTD AMOUNT
Federal FICA	157.55	1,273.13
Medicare	36.79	1,147.33
Minnesota State Tax	85.11	268.32
STATE UNEMPLOYMENT	0.00	673.01
S HEALTH-REG PRE-TAX	66.21	0.00
S DENTAL-REG PRE-TAX	4.25	397.26
CBLP LOAN-1172	75.00	25.50
401(K) EMPLOYEE DEF.D-%	363.60	525.00
MIL ADDITIONAL LIFE	28.50	2,121.60
*RWARE 2020 Clearing	1,341.23	171.00
TOTAL	0.00	8,573.75

YEAR TO DATE GROSS AMOUNT \$18,928.00



P/R - LLBO PAYROLL ACCOUNT  
190 Sallstar Dr NW  
CASS LAKE, MN 56633

THIS DOCUMENT HAS A VOID PANTOGRAPH, MICROPRINTING, A COIN REACTIVE ARTIFICIAL WATERMARK AND THERMOCHROMATIC INK. (5)  
Western Bank, Cass Lake  
75-682 / 912  
Check No. 767401  
Date 03/26/2020

PAY Three Hundred Two and Forty Three Cents

Check Amount  
\$302.43

TO THE ORDER OF  
FRANCES ELAINE BUTLER  
4248 GRIMES AVE N  
ROBBINSDALE, MN 55422

*Frances Elaine Butler*  
Secretary - Treasurer

⑈767401⑈ ⑆091206826⑆ ⑈10003677⑈

⑈0000030243⑈



P/R - LLBO PAYROLL ACCOUNT  
190 Sailer Dr NW CASS LAKE, MN 56633

FRANCES ELAINE BUTLER

DEPARTMENT 320  
CHECK DATE 07/09/2020 CHECK NUMBER 773051  
EMPLOYEE SSN XXX-XX-1896 EMPLOYEE NUMBER 527

SOURCE TYPE	HOURS	GROSS AMOUNT
ANNUAL LEAVE PAYOUT	235.00	6,345.00
PAY PERIOD GROSS AMOUNT		\$6,345.00
LESS PAY PERIOD DEDUCTIONS		\$2,646.45
NET PAY		\$3,698.55

YEAR TO DATE GROSS AMOUNT \$25,273.00

DEDUCTION DESCRIPTION	PAY PERIOD AMOUNT	YTD AMOUNT
Federal FICA	1,101.24	2,374.37
Medicare	393.38	1,540.71
Minnesota State Tax	92.01	360.33
STATE UNEMPLOYMENT	396.57	1,069.56
S HEALTH-REG PRE-TAX	0.00	0.00
S DENTAL-REG PRE-TAX	0.00	0.00
CBLP LOAN-1172	0.00	397.26
401(K) EMPLOYEE DEF'D-%	1,715.35	2,240.35
MIL ADDITIONAL LIFE	0.00	2,121.60
MIL ADDITIONAL LIFE	0.00	171.00
RWare 2020 Clearing	0.00	8,573.75
TOTAL	0.00	18,874.45

THIS DOCUMENT IS A VOID IMAGE. IT IS NOT A COPY OF THE ORIGINAL DOCUMENT. IT IS A COPY OF THE ORIGINAL DOCUMENT.

P/R - LLBO PAYROLL ACCOUNT

190 Sailer Dr NW  
CASS LAKE, MN 56633

Western Bank, Cass Lake  
75-6827912

Check No. 773051  
Date 07/09/2020



PAY Two Thousand Six Hundred Forty Six and Forty Five Cents

Check Amount  
\$2,646.45

TO THE  
ORDER  
OF  
FRANCES ELAINE BUTLER  
4248 GRIMES AVE N  
ROBBINSDALE, MN 55422

Secretary - Treasurer

*Frances Elaine Butler*  
Chairman

⑈ 773051 ⑈ ⑆ 091206826 ⑆ ⑈ 10003677 ⑈

⑈ 0000264645 ⑈

**m MINNESOTA**  
UNEMPLOYMENT INSURANCE  
Document ID: 151888167



151888167

FRANCES E BUTLER  
4248 GRIMES AVE N  
ROBBINSDALE MN 55422-1567

08/19/2020

Issue Identification Number: 39748080-2

**NOTICE OF DECISION  
OF THE UNEMPLOYMENT LAW JUDGE**

Under Minnesota Statutes 268.105, subdivision 1, the enclosed decision of the Unemployment Law Judge is served on you.

**NOTICE TO THE PARTIES:** The law of the State of Minnesota at Minnesota Statutes 268.105, subdivision 5a, provides that the findings of fact and decision issued are only for unemployment insurance benefit entitlement purposes and do not affect any other legal or contractual matter.

**ALSO MAILED TO:**

LEECH LAKE BAND OF OJIBWE, EMPLOYER



This decision allows you to be paid unemployment benefits if you are otherwise eligible. LEECH LAKE BAND OF OJIBWE has the right to request reconsideration within 20 days from the date this decision was mailed.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/11/2020

Signature of Plaintiff

Printed Name of Plaintiff

Frances Elaine Butler (Thunder)  
Frances Elaine Butler (Thunder)

**B. For Attorneys**

Date of signing:                     

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

                     **MN**

                     *City*

                     *State*

                     *Zip Code*

Telephone Number

E-mail Address