

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 4: Adjudication

§ 405. Informal adjudication in disputed cases

Cite as: 1 CNCA § 405

Unless prohibited by law other than this act, an agency may use the informal hearing procedure as provided in 1 CNCA § 406 in a disputed case if:

1. there is no disputed issue of material fact; or
2. the matter at issue is limited to any of the following:
 - a. a monetary amount of not more than One Thousand Dollars (\$1,000.00) whether liquidated in a sum certain or as periodic payments over no more than twelve (12) months;
 - b. a disciplinary sanction against a student that does not involve expulsion from an academic institution or suspension for more than ten (10) days or an employee that does not involve discharge from employment, demotion, or suspension for more than five (5) days;
 - c. a disciplinary sanction against a licensee that does not involve an actual revocation of a license or an actual suspension of a license for more than five (5) days;
 - d. a proceeding in which an opportunity for an evidentiary hearing is not required by Cherokee Nation or federal constitution or statute, common law, court rule, or executive order, and the agency by rule authorizes use of an informal hearing procedure under this section;
 - e. a proceeding where the Cherokee Nation or federal constitution requires an evidentiary hearing, but the hearing is not required to follow the adjudication procedures of 1 CNCA § 404; or
 - f. the parties by written agreement consent to an informal hearing under this section.

Historical Data

LA 13-07, eff. March 19, 2007.