

BIOGRAPHICAL INFORMATION (PUBLIC)

Section I

Arthur Joseph Gajarsa

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For New York State Industrial Commission

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d) Description:

This was an action brought by the New York State Industrial Commission to deny unemployment benefits to certain individual members of the St. Regis Mohawk Tribe, including the members of the Tribal Council. The Commission denied the benefits because the individuals were receiving per diem payments for services to the Tribe. After an administrative hearing, Mr. Ross issued an order denying repayment of benefits and denying further payments. I appealed the decision on behalf of the Tribal Council to the New York State Court of Appeals, Third Appellate Division, which reversed the Commission's order and reinstated the benefits. The Appellate Court did not accept my basic argument that the State Industrial Commissioner had no jurisdiction over Indian reservations due to their unique federal status and because the Tribal Council members were cloaked with the tribal governmental authority while acting in their official capacity. However, the court decided in favor of the Tribe based on a narrow ground involving the interpretation of the statutory term "employment."

VIII.

1. United States Small Business Administration, Receiver Taroco Capital Corporation, David Ruey-Chyi Chang, et al., Civil Action No. 94-863 (U.S. Dist. Ct. for the District of New Jersey)
2. United States Small Business Administration Southern Orient Capital Corporation, Civil Action No. H-95-4591 (U.S. Dist. Ct. for the Southern District of Texas, Houston Division)
3. United States Small Business Administration Japanese American Capital Corporation, Civil Action No. 95-5007 (U.S. Dist. Ct. for the District of New Jersey)