FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
WOLF POINT, MONTANA
****

IN THE MATTER OF CLAYTON GIRARDIN,
     Plaintiff/Appellee,

vs.   **Appeal No. 117**

JOE DAY, d/b/a Thunderbird Ranch
     Respondent/Appellant.

   THIS APPEAL is from a Fort Peck Tribal Court verdict entered on August 23, 1990, the Honorable A. T. Stafne presiding.

   APPEARANCE:

   FOR RESPONDENT/APPELLANT: Melissa G. Schauer
                                         Lay Law Advocate
                                         P.O. Box 214
                                         Wolf Point, MT 59201

   FOR PLAINTIFF/APPELLEE: Clayton Reum
                                           Fort Peck Lay Advocate
                                         P.O. Box 38
                                         Wolf Point, MT 59201

   Submitted on briefs without oral argument, the Respondent having filed a brief in support of Petition for Review; the Appellee did not file brief, either pro se or by counsel.

   DECIDED: January 9, 1991

   Opinion by Gerard M. Schuster, Chief Justice and Debra Johnson and Gary James Melbourne, Justices.

   <u>**HELD:**</u> **The judgment of the Court awarding Plaintiff/Appellee $187.50 Is reversed.**

DISCUSSION:

The record in this matter is convincing that Plaintiff/Appellee failed to meet his burden of proof to justify
a judgment of $187.50 in his favor. The Plaintiff did not offer any official or authorized documentation to support his claim and there were no witnesses who substantiated or supported Plaintiff's claim. This Court will not set aside any factual determinations of the Tribal Court **if such determinations are supported by substantial evidence. 1 CCOJ, Section 202.** (emphasis made). REF. **TRANSCRIPT,** judgment with attachments (records). Here we find no substantial evidence in the record to support the factual findings of the trial court, and Plaintiff/Appellee failed to meet his burden of proof.

CONCLUSIONS and ORDER:

PLAINTIFF/APPELLEE FAILED TO MEET HIS BURDEN CF PROOF BY A PREPONDERANCE OF THE EVIDENCE. THE JUDGMENT IS REVERSED, WITH EACH SIDE BEARING THEIR OWN COSTS.

DATED this 9th day of January, 1991.

BY THE COURT OF APPEALS:

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Gerard A. Schuster, Chief Justice

_____
Debra Johnson, Associate Justice

_____
Gary James Melbourne, Associate Justice