



INTERIOR BOARD OF INDIAN APPEALS

Estate of Evans Ingatuah

4 IBIA 103 (07/29/1975)

Also published at 82 Interior Decisions 352



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

## ESTATE OF EVANS INGATUAH

IBIA 75-41

Decided July 29, 1975

Appeal from an order denying petition for rehearing.

Affirmed.

1. Administrative Procedure: Administrative Procedure Act--  
Administrative Procedure: Administrative Review--Administrative  
Procedure: Initial Decision--Administrative Procedure: Substantial  
Evidence.

The ultimate findings, conclusions and order of the administrative  
law judge will not be set aside upon administrative review where  
they are supported by substantial evidence.

APPEARANCES: Cox, Fanning, McNamara & Bowen, by Linda J. Cook, for appellants;

Idaho Legal Aid Services, Inc. by Robert L. La Roche, Esq., for appellee.

OPINION BY ADMINISTRATIVE JUDGE SABAGH

This matter comes before the Board on an appeal from an order denying petition for rehearing.

The appeal is brought on the grounds that a ceremonial marriage under State Law cannot be dissolved by Indian custom divorce; that the record does not support the findings and conclusions that the prior marriage of Louise Ottogary to Lynn Perry was ever dissolved by a valid Indian custom marriage; and that the Judge's Order dated November 14, 1974, was an abuse of his discretion in applying and interpreting the requirements of 43 CFR 4.241 (a) and the purpose of the regulations as set forth in the Estate of Frank Jones, 1 IBIA 345, 79 I.D. 697 (1972).

These contentions in essence are similar to those raised in appellants' petition for rehearing.

Having reviewed the record, including transcript of testimony taken at hearing held at Fort Hall, Idaho, on October 16, 1973, and briefs of appellants and appellee, the Board finds that the appellants have shown no reason why the findings, conclusions, and Order of the Administrative Law Judge should not be affirmed.

[1] We hold that there is substantial evidence in the record to support the findings, conclusions, and order of the Administrative Law Judge.

NOW, THEREFORE, by virtue of the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is hereby dismissed and the Order Determining Heirs dated August 19, 1974 is AFFIRMED.

This decision is final for the Department.

Done at Arlington, Virginia.

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//original signed  
Mitchell J. Sabagh  
Administrative Judge

I concur:

\_\_\_\_\_  
//original signed  
Alexander H. Wilson  
Administrative Judge