



INTERIOR BOARD OF INDIAN APPEALS

Del Bert Holley v. Eastern Nevada Tribal Social Services

6 IBIA 7 (01/24/1977)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

Social Services

Jan 10, 1977

Mr. Delbert Holley
Box 209
Battle Mountain, Nevada 89820

Dear Mr. Holley:

This refers to your appeal to the Commissioner of Indian Affairs concerning the decrease in your general assistance payment as determined by the Eastern Nevada Tribal Social Services Program.

We have reviewed the information and related documentation regarding your appeal. We regret very much the inordinate length of time required to complete this review and offer our apology to you for any inconvenience this delay may have caused.

We find the June 3, 1976, decision of the Superintendent, Eastern Nevada Agency, and the subsequent July 19, 1976, decision of the Area Director, Phoenix, relative to denial of your appeal to be appropriate and correct. We concur with and sustain their denial of your appeal.

The specific section of the Bureau's manual which cites the method by which your payment was computed is contained in 66 IAM 3.1.7A.

"The State Public Assistance standard governing basic consumption and special need items with their corresponding money amounts which is currently in effect in the State where an Indian general assistance applicant lives will be the basis for exploration and assessment of his need. If the State's assistance standard provides for differences in the several categories of public assistance, the standard for the category which most closely resembles the applicant's individual or family situation should be applied.

