



INTERIOR BOARD OF INDIAN APPEALS

Frank Gladue v. Eastern Nevada Tribal Social Services

6 IBIA 33 (02/07/1977)





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245

Social Services

Oct 28, 1970

Mr. Frank Gladue  
353 Cedar Street  
Elko, Nevada 89801

Dear Mr. Gladue:

This replies to your appeal concerning the denial of your December 28, 1975, application for general assistance.

We have reviewed your application for general assistance and related documents. We agree with the Phoenix Area Director's decision to deny your appeal based on the guidelines the Eastern Nevada Agency has for administering Indian social services.

In the Morton vs. Ruiz case, the United States District Court for the District of Arizona ordered, adjudged and decree:

1. That 66 IAM 3.1.4 was invalid and of no force or effect.
2. That the general assistance program of the Snyder Act, 25 U.S.C. 13, was intended to provide assistance for Indians residing "on or near" their native reservation.
3. All Indians who reside on or near their native reservation in an Indian community and who are unassimilated and maintain close economic ties with their reservation and who have filed a claim for BIA general assistance benefits after December 11, 1967, are eligible for such benefits.

Since you do not fall within the above classification, your appeal is denied.

We suggest that you contact the Elko County Department of Public Welfare, P.O. 337, Elko, Nevada 89801, and make application for assistance if your family is in need.

Sincerely yours,

//original signed  
Commissioner of Indian Affairs



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20245

Social Services

Jan 25, 1977

Mr. Frances L. Wells  
Nevada Indian Legal Services  
P.O. Box 262  
606 Commercial Street  
Elko, Nevada 89801

Dear Mr. Wells:

This refers to your January 7 letter concerning Mr. Frank Gladue.

The decision of October 28, 1976, was based upon the exercise of discretionary authority by the Commissioner of Indian Affairs and as such is final for the Department of the Interior.

Sincerely yours,

//original signed  
Comissioner of Indian Affairs