



INTERIOR BOARD OF INDIAN APPEALS

Newton Rose, et al. v. Anadarko Area Director, Bureau of Indian Affairs

12 IBIA 130 (01/04/1984)



United States Department of the Interior

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

NEWTON ROSE, WINSTON ROSE,	:	Order Dismissing Appeal
NELSON ROSE, JOHN ROSE,	:	
WESLEY ROSE and THEODOSIA	:	
HARRIS,	:	
Appellants	:	
	:	Docket No. IBIA 83-45-A
v.	:	
	:	
ANADARKO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 4, 1984

On August 19, 1983, the Board of Indian Appeals (Board) received a notice of appeal from appellants, seeking review of a February 11, 1982, decision of the Anadarko Area Director, Bureau of Indian Affairs, concerning an oil and gas communitization agreement affecting their Indian trust property. Appellants sought review by the Board on the grounds that the Deputy Assistant Secretary--Indian Affairs (Operations) had not issued a decision in their appeal within 30 days from the date all pleadings were filed, as required by 25 CFR 2.19.

On December 21, 1983, the Secretary of the Interior assumed jurisdiction over the appeal under his reserved authority in 43 CFR 4.5(a)(1), and delegated the matter to the Assistant Secretary for Indian Affairs. See attached memorandum. Consequently, the Board no longer has jurisdiction over this matter.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed.

//original signed
Bernard V. Parrette
Chief Administrative Judge

//original signed
Franklin D. Arness
Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge

Attachment



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

December 21, 1983

MEMORANDUM

To: Director, Office of Hearings and Appeals

From: Secretary

Subject: IBIA Docket No. 83-45-A, Administrative Appeal of Newton Rose, et al. v. Anadarko Area Director, Bureau of Indian Affairs

Pursuant to the authority stated in 45 CFR § 4.5(a)(1), I am taking jurisdiction of the above-styled administrative appeal, and delegating to the Assistant Secretary, Indian Affairs, the authority to render a final decision in this matter. The assumption of jurisdiction by the Interior Board of Indian Appeals was not improper, but overriding policy considerations have led me to conclude that the decision should be rendered by the Assistant Secretary. By copy of this memorandum, I am directing the Assistant Secretary to render a final decision in this matter within 30 days.

cc: Assistant Secretary, Indian Affairs
Solicitor