



INTERIOR BOARD OF INDIAN APPEALS

Cayuga Nation of New York v. Acting Assistant Secretary - Indian Affairs

13 IBIA 123 (02/27/1985)



United States Department of the Interior

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

CAYUGA NATION OF NEW YORK,	:	Order Docketing and Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 85-23-A
ACTING ASSISTANT SECRETARY FOR	:	
INDIAN AFFAIRS,	:	
Appellee	:	February 27, 1985

On February 20, 1985, the Board of Indian Appeals (Board) received a notice of appeal from the Cayuga Nation of New York (appellant), through counsel, Arthur J. Gajarsa, Esq., Washington, D.C. Appellant seeks review of a December 14, 1984, decision in which the Acting Assistant Secretary for Indian Affairs found that the Seneca-Cayuga Tribe of Oklahoma was a successor tribe to the historic Cayuga Indian Nation. Appellant states that this determination conflicts with previous Departmental decisions. The Acting Assistant Secretary's decision was made in the context of a request by the Seneca-Cayuga Tribe of Oklahoma for an affidavit for use in Cayuga Indian Nation of New York v. Cuomo, an action by appellant seeking recognition of alleged legal and equitable title to certain lands in the State of New York.

This case is hereby docketed under the above case name and number.

A copy of the December 14, 1984, letter was attached to the notice of appeal. The letter was signed by the Acting Assistant Secretary for Indian Affairs. Decisions of the Acting Assistant Secretary are equivalent to decisions rendered by the Assistant Secretary. Ute Mountain Ute Tribe v. Acting Assistant Secretary for Indian Affairs, 11 IBIA 168 (1983). The Board does not have general review authority over decisions of the Assistant Secretary except when they are specially referred to it on a case-by-case basis or through rulemaking. Pueblo of Laguna v. Assistant Secretary for Indian Affairs, 12 IBIA 80, 90 I.D. 521 (1983); 25 CFR 13.15. This matter has not been so referred to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Acting Assistant Secretary's December 14, 1984 decision must be dismissed.

//original signed
Bernard V. Parrette
Chief Administrative Judge

//original signed
Anne Poindexter Lewis
Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge