



INTERIOR BOARD OF INDIAN APPEALS

Confederated Tribes of Siletz Indians v. Assistant Secretary - Indian Affairs

14 IBIA 250 (09/04/1986)



United States Department of the Interior

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

CONFEDERATED TRIBES OF	:	Order Docketing and Dismissing Appeal
SILETZ INDIANS,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 86-60-A
	:	
ASSISTANT SECRETARY--	:	
INDIAN AFFAIRS,	:	
Appellee	:	September 4, 1986

On August 26, 1986, the Board of Indian Appeals (Board) received a notice of appeal from the Confederated Tribes of Siletz Indians (appellant) through counsel, LeRoy W. Wilder, Esq., Portland, Oregon. Appellant seeks review of a July 17, 1986, decision of the Assistant Secretary--Indian Affairs concerning appellant's fiscal year 1986 Indian Child Welfare Act grant. The decision affirms the Portland Area Director's approval of appellant's Indian Child Welfare Act funding for fiscal year 1986 at \$35,000. It concludes: "This decision is based on the exercise of discretionary authority and is final for the Department. All duties, authorities, and responsibilities of the Commissioner have been delegated to the Assistant Secretary--Indian Affairs."

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter.

The July 17, 1986, decision was signed by the Assistant Secretary-- Indian Affairs and states that it is final for the Department. Because the Assistant Secretary has the authority to issue decisions final for the Department, the Board does not have general review authority over his decisions, except as they are specially referred to it on a case-by-case basis or through rulemaking. See, e.g., 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 Assistant Secretary's July 17, 1986, decision must be dismissed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Administrative Judge