



INTERIOR BOARD OF INDIAN APPEALS

Delaware Tribe of Western Oklahoma v. Anadarko Area Director,
Bureau of Indian Affairs

15 IBIA 1 (10/07/1986)



United States Department of the Interior

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

DELAWARE TRIBE OF WESTERN	:	Order Dismissing Appeal and
OKLAHOMA,	:	Remanding Case
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 86-49-A
AREA DIRECTOR, ANADARKO AREA	:	
OFFICE BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 7, 1986

On July 3, 1986, the Board of Indian Appeals (Board) received a letter with supporting documentation from the Delaware Tribe of Western Oklahoma (appellant) requesting the Board to assume jurisdiction over an appeal filed with the Bureau of Indian Affairs (BIA) pursuant to the provisions of 25 CFR Part 2. Appellant sought review of a March 28, 1986 decision of the Anadarko Area Director, BIA (appellee), disapproving its application for fiscal year 1986 grant funding under the Indian Child Welfare Act (ICWA), 25 U.S.C. §§ 1931-1934 (1982). By order dated July 9, 1986, the Board made a preliminary determination that it had jurisdiction over the matter and requested the administrative record.

The record was received on August 11, 1986, and the case was docketed on August 12, 1986. On August 29, 1986, the Board received a supplemental brief from appellant. Appellee's response, received on September 29, 1986, was a motion to dismiss and remand.

As reasons for the requested dismissal, appellee states that the Office of the Assistant Secretary--Indian Affairs processed 104 other appeals concerning ICWA fiscal year 1986 funding, and gave each of those appeals de novo review. Appellee states at page 2 of its motion that it "does not wish to argue that the decision appealed from be affirmed but instead desires that this appeal be dismissed and remanded so that it may have the same consideration given the other ICWA appeals."

Accordingly, the Board holds that appellant would be better served by an expeditious dismissal of this appeal without prejudice and a remand to BIA for de novo review.

Therefore, 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 without prejudice and remanded to the Bureau of Indian Appeals for de novo review.

//original signed
Kathryn A. Lynn
Administrative Judge

//original signed
Anita Vogt
Acting Chief Administrative Judge