



INTERIOR BOARD OF INDIAN APPEALS

Phoebe Jackman v. Billings Area Director, Bureau of Indian Affairs

15 IBIA 22 (10/23/1986)



United States Department of the Interior

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

PHOEBE JACKMAN,
Appellant

v.

AREA DIRECTOR, BILLINGS AREA
OFFICE, BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Approving Settlement and
: Dismissing Appeal
:
:
: Docket No. IBIA 86-39-A
:
: October 23, 1986

On May 23, 1986, the Board of Indian Appeals (Board) received a request that it assume jurisdiction over an appeal filed by Phoebe Jackman (appellant) with the Deputy Assistant Secretary--Indian Affairs (Operations) pursuant to 25 CFR Part 2. Appellant sought review of a decision apparently issued in August 1985 on behalf of the Billings Area Director, Bureau of Indian Affairs (BIA), finding her ineligible for BIA child welfare assistance. By order dated May 27, 1986, the Board preliminarily determined that it had jurisdiction over the matter.

On June 4, 1986, the Board granted a motion to intervene in this case filed by the Chief Justice of the Northern Cheyenne Tribal Court. The court sought intervention on the grounds that the decision in this case might affect its ability to enforce a ruling in a juvenile court case. Under 43 CFR 4.313(a), the regulation permitting intervention in proceedings before the Board, requests to intervene are to be liberally construed.

By letter dated September 25, 1986, appellee Billings Area Director informed the Board that the parties had entered into settlement negotiations. On October 20, 1986, the Board received a settlement agreement signed by counsel for appellee on October 6, 1986, and by counsel for appellant on October 10, 1986. Enclosed with the settlement agreement was a request that the appeal be dismissed.

Intervenor was not consulted concerning the settlement agreement. This fact does not affect the validity of the settlement. Although it was permitted to appear in this case in order to present its concerns, the court is not a party to the dispute between appellant and appellee. Its concurrence is not a prerequisite to the conclusion of litigation between the real parties-in-interest. 1/

1/ For a similar conclusion, see order approving settlement and dismissing appeal in ITT Rayonier, Inc. v. Deputy Assistant Secretary--Indian Affairs (Operations), 13 IBIA 90 (1985).

The settlement agreement is hereby approved. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, and the settlement reached between the parties, this appeal is dismissed with prejudice.

//original signed
Kathryn A. Lynn
Administrative Judge

//original signed
Anita Vogt
Acting Chief Administrative Judge