



INTERIOR BOARD OF INDIAN APPEALS

Delaware Tribe of Western Oklahoma v. Assistant Secretary - Indian Affairs

15 IBIA 71 (12/02/1986)



# 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	:	Order Docketing and Dismissing
WESTERN OKLAHOMA	:	Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 87-12-A
ASSISTANT SECRETARY--	:	
INDIAN AFFAIRS,	:	
Appellee	:	December 2, 1986

On October 7, 1986, the Board of Indian Appeals (Board) dismissed without prejudice an appeal from the Delaware Tribe of Western Oklahoma (appellant) concerning a March 28, 1986, decision of the Anadarko Area Director, Bureau of Indian Affairs (BIA), disapproving its application for fiscal year 1986 grant funding under the Indian Child Welfare Act, 25 U.S.C. §§ 1931-1934 (1982). The Board found appellant would be better served by an expeditious dismissal and a remand to BIA for de novo, review. 15 IBIA 1.

On remand, the Assistant Secretary--Indian Affairs affirmed the Area Director's disapproval of appellant's application in a decision dated November 5, 1986. On December 1, 1986, the Board received a request from appellant that it re-assume jurisdiction over the appeal.

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

The November 5 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 such 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 November 5, 1986, decision is dismissed.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Acting Chief Administrative Judge