



INTERIOR BOARD OF INDIAN APPEALS

Susan Totenhagen v. Minneapolis Area Director, Bureau of Indian Affairs

15 IBIA 123 (02/25/1987)

Denying reconsideration of:

15 IBIA 105

15 IBIA 121

Judicial review of this case:

Reversed & remanded, *Prescott v. Hodel*, Civil No. 4-87-106 (D. Minn. July 10, 1987)

On remand:

16 IBIA 9



United States Department of the Interior

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

SUSAN TOTENHAGEN,
Appellant

v.

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

: Order Denying Second Petition
: for Reconsideration
:
:
: Docket No. IBIA 87-2-A
:
: February 25, 1987

On February 12, 1987, the Board of Indian Appeals (Board) issued a decision in this case, reversing the April 9, 1986, decision of the Minneapolis Area Director, Bureau of Indian Affairs. The Board held that appellant Susan Totenhagen was not validly removed from the office of Chairman of the Shakopee Mdewakanton Sioux Community (tribe) because she did not receive the notice to which she was entitled under the tribal ordinance governing the removal of tribal officials from office.

On February 19, 1987, the Board denied a petition for reconsideration filed by Leonard Prescott, Vice-Chairman of the tribe (Vice-Chairman), on his own behalf and on behalf of the tribe. On February 24, 1987, the Board received a second petition for reconsideration from the Vice-Chairman.

43 CFR 4.315(b) provides, "A party may file only one petition for reconsideration." Further, the Board has been informed that the Vice-Chairman has filed suit in federal court challenging the Board's February 12 decision. Since the matter is now before the federal court, the Board will take no further action regarding it without direction from the court. For these reasons, as well as the reasons set out in the Board's February 19 denial of reconsideration, this petition for reconsideration must also be denied.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Vice-Chairman's second petition for reconsideration is denied.

//original signed
Anita Vogt
Administrative Judge

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