



INTERIOR BOARD OF INDIAN APPEALS

Wyandotte Tribe of Oklahoma v. Acting Assistant Secretary - Indian Affairs

16 IBIA 8 (11/19/1987)



# United States Department of the Interior

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

WYANDOTTE TRIBE OF OKLAHOMA,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 88-7-A
ACTING ASSISTANT SECRETARY—	:	
INDIAN AFFAIRS,	:	
Appellee	:	November 19, 1987

On November 16, 1987, the Board of Indian Appeals (Board) received its copy of a notice of appeal filed with the Acting Assistant Secretary--Indian Affairs (appellee) by the Wyandotte Tribe of Oklahoma (tribe, appellant), through counsel Ben Loring, Esq., Miami, Oklahoma. Appellant notes its intention to seek review by the Board of a September 15, 1987, decision issued by appellee denying a request by appellant for attorney fees under 25 CFR 89.40-89.43 for use in litigation concerning the collection of Oklahoma State taxes on tribal sales of cigarettes to non-members of the tribe.

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

A copy of the September 15, 1987, decision was attached to the notice of appeal. The decision was signed by the Acting Assistant Secretary--Indian Affairs. Decisions of the Acting Assistant Secretary are equivalent to decisions rendered by the Assistant Secretary. See Ute Mountain Ute Tribe v. Acting Assistant Secretary for Indian Affairs 11 IBIA 168 (1983). 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 Acting Assistant Secretary's September 15, 1987, decision is dismissed.

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

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//original signed  
Anita Vogt  
Administrative Judge