



INTERIOR BOARD OF INDIAN APPEALS

Craig J. Dorsay v. Assistant Secretary - Indian Affairs

16 IBIA 39 (02/22/1988)



# United States Department of the Interior

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

CRAIG J. DORSAY,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 88-17-A
ASSISTANT SECRETARY--INDIAN	:	
AFFAIRS,	:	
Appellee	:	February 22, 1988

On February 19, 1988, the Board of Indian Appeals (Board) received a notice of appeal from Craig J. Dorsay, Esq. (appellant). Appellant seeks review of a September 15, 1987 decision of the Assistant Secretary--Indian Affairs concerning the decision not to provide attorney fees under 25 CFR 89.40-89.43 to the Confederated Tribes of the Umatilla Indian Reservation (tribe) for use in defending the tribe and certain tribal officials in Huestis v. Wilcox, et al., No. 87-358-RE (D. Or.). Appellant states that he did not receive notice of the Assistant Secretary's decision until December 21, 1987, when he received a copy of the decision from the tribe, which had received the decision on December 11, 1987.

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 Assistant Secretary--Indian Affairs. 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., Falcon Lake Properties v. Assistant Secretary--Indian Affairs, 15 IBIA 286 (1987); 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 September 15, 1987 decision is dismissed.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge