



INTERIOR BOARD OF INDIAN APPEALS

Dennis G. Chappabitty v. Acting Assistant Secretary - Indian Affairs

17 IBIA 94 (03/14/1989)

Reconsideration denied:

17 IBIA 121

Judicial review of this case:

Chappabitty v. United States, Civ. No. S-88-0125-EJG/EM (E.D. Calif.)



United States Department of the Interior

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

DENNIS G. CHAPPABITTY,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 89-14-A
ACTING ASSISTANT SECRETARY -	:	
INDIAN AFFAIRS,	:	
Appellee	:	March 14, 1989

On March 13, 1989, the Board of Indian Appeals received a notice of appeal from Dennis G. Chappabitty, Esq. Appellant states that he is appealing a February 27, 1989, decision of the Acting Assistant Secretary - Indian Affairs concerning an attorney contract between appellant and the Rumsey Indian Rancheria.

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

The Board has been furnished with a copy of the Acting Assistant Secretary's decision, which states that it is final for the Department. 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 25 CFR 2.6(c) (54 FR 6481 (Feb. 10, 1989)); 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). 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 February 27, 1989, decision is dismissed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A Lynn
Chief Administrative Judge