



INTERIOR BOARD OF INDIAN APPEALS

Mary Margaret Garfield v. Aberdeen Area Director, Bureau of Indian Affairs

17 IBIA 270 (09/05/1989)



# United States Department of the Interior

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

MARY MARGARET GARFIELD,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 89-39-A
ABERDEEN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	September 5, 1989

The above case was transferred to the Board of Indian Appeals (Board) by the Washington, D.C., office of the Bureau of Indian Affairs (BIA) on May 1, 1989, for consideration under new appeals regulations for BIA and the Board, published at 54 FR 6478 and 6483 (Feb. 10, 1989). Appellant Mary Margaret Garfield sought review of an October 16, 1987, decision of the Aberdeen Area Director, BIA (appellee), concerning the leasing of Devils Lake Sioux Allotments DLS-101-AB and DLS-102. Appellant is the sole owner of these allotments.

In its May 5, 1989, notice of docketing, the Board noted it appeared possible that this appeal may have been resolved through the passage of time and actions of the parties. Accordingly, the Board requested appellee to provide a report concerning the current leasing status of the allotments. The status report received indicated that the allotments were not being leased through BIA.

By order dated July 11, 1989, the Board gave appellant until August 18, 1989, to show cause why the appeal should not be dismissed as moot. The Board specified that in order to make this showing, appellant should demonstrate that a real controversy still existed as to the granting of the lease at issue. Appellant did not respond to this order.

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 Aberdeen Area Director's October 16, 1987, decision is dismissed both as moot and for lack of prosecution.

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Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge