INTERIOR BOARD OF INDIAN APPEALS

Duckwater Shoshone Tribe v. Phoenix Area Director, Bureau of Indian Affairs

18 IBIA 5 (10/03/1989)

United States Department of the Interior

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

DUCKWATER SHOSHONE TRIBE, Appellant	:	Order Dismissing Appeal
v.	:	Docket No. IBIA 89-6-A
PHOENIX AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	October 3, 1989

This is an appeal from a June 1988 decision of the Phoenix Area Director, Bureau of Indian Affairs, reallocating the distribution of F.Y. 1989 funds among the tribes served by the Eastern Nevada Agency, BIA, for certain programs contracted under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450f (1982).

By petition dated November 28, 1988, appellant Duckwater Shoshone Tribe requested the Board to assume jurisdiction over the appeal. Appellant stated that its appeal had been pending before the Assistant Secretary - Indian Affairs and had been ripe for decision for more than 30 days, but that no decision had been rendered. 1/ On December 2, 1988, the Board made a preliminary determination that it had jurisdiction over the appeal. By notice of docketing dated January 5, 1989, the Board established a briefing schedule. Following partial briefing, the parties notified the Board that settlement had been reached. On September 29, 1989, the Board received a stipulated dismissal from the parties. The parties state that they have executed a settlement agreement and that the settlement has been fully implemented. They therefore request the Board to recognize their stipulated dismissal and end all proceedings in this matter.

Accordingly, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, and in accordance with the parties' request, this appeal is dismissed with prejudice.

//original signed	//original signed
Anita Vogt	Kathryn A. Lynn
Administrative Judge	Chief Administrative Judge

1/ Appellant's request was made pursuant to 25 CFR 2.19(b) (1988).