



INTERIOR BOARD OF INDIAN APPEALS

Indian Credit Corp. v. Billings Area Director, Bureau of Indian Affairs

18 IBIA 77 (12/19/1989)



United States Department of the Interior

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

INDIAN CREDIT CORPORATION, Appellant	:	Order Dismissing Appeal Without Prejudice
	:	
v.	:	
	:	Docket No. IBIA 90-19-A
BILLINGS AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	December 19, 1989

On October 26, 1989, the Board of Indian Appeals (Board) received a copy of a notice of appeal which appellant Indian Credit Corporation filed with the Billings Area Director, Bureau of Indian Affairs (BIA; appellee). The notice of appeal was forwarded to the Board by appellee. Appellant sought review of an August 7, 1989, decision issued by appellee concerning a demand for payment of delinquent indebtedness to the United States.

On November 17, 1989, the Board received a letter from appellant stating its belief that its appeal had prematurely been forwarded to the Board in that appellee's decision was not a final decision because appellee did not have administrative authority to write down the loan and to compromise the interest as appellant had requested. Appellant contended that the appeal should have been submitted to the Washington, D.C., BIA office for decision. Based on these arguments, appellant requested that the Board stay proceedings before it pending a determination of those issues by the Washington, D.C., office.

By order dated November 20, 1989, the Board took appellant's request for stay under advisement.

On December 11, 1989, the Board received a letter from the Deputy to the Assistant Secretary - Indian Affairs (Trust and Economic Development), indicating that after a review of the facts of this case, he had determined that the authority to grant appellant's requested relief had not been delegated to BIA Area Directors under Part 230 of the Departmental Manual of the Department of the Interior. Accordingly, he requested that the appeal be dismissed without prejudice so that he might attempt to negotiate a settlement with appellant.

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 Billings Area Director's August 7, 1989, decision is dismissed without prejudice.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge