



INTERIOR BOARD OF INDIAN APPEALS

Absentee Shawnee Tribe v. Assistant Secretary - Indian Affairs

18 IBIA 103 (01/04/1990)



United States Department of the Interior

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

ABSENTEE SHAWNEE TRIBE	:	Order Docketing and Dismissing
OF OKLAHOMA,	:	Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 90-33-A
ASSISTANT SECRETARY -	:	
INDIAN AFFAIRS,	:	
Appellee	:	January 4, 1990

On December 26, 1989, the Board of Indian Appeals received a notice of appeal from the Absentee Shawnee Tribe of Oklahoma, pro se. Appellant seeks review of a November 24, 1989, decision of the Assistant Secretary - Indian Affairs, concerning its application for a contract under the Indian Self-Determination Act, 25 U.S.C. §§ 450-450n (1982 and Supps.), to perform certain functions of the Shawnee Agency, Bureau of Indian Affairs. The Assistant Secretary affirmed a decision of the Anadarko Area Director, BIA, declining to enter into the contract.

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 Assistant Secretary's November 24 decision. It states that it is final for the Department under 25 CFR 271.82(b). Section 271.82(b) provides: "The decision by the Assistant Secretary - Indian Affairs is final for the Department. The tribal governing body or the applicant is deemed to have exhausted its administrative remedies following rendering of the decision."

Because the Assistant Secretary's decision is final for the Department, the Board does not have authority to review it.

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 November 24, 1989, decision is dismissed.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge