



INTERIOR BOARD OF INDIAN APPEALS

Chemehuevi Indian Tribe v. Acting Phoenix Area Director, Bureau of Indian Affairs

18 IBIA 220 (03/28/1990)



United States Department of the Interior

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

CHEMEHUEVI INDIAN TRIBE,	:	Order Dismissing Appeal in Part,
Appellant	:	Vacating Decision, and Remanding
	:	Case
v.	:	
	:	
ACTING PHOENIX AREA DIRECTOR,	:	Docket No. IBIA 90-32-A
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 27, 1990

This is an appeal from a September 7, 1989, decision of the Acting Phoenix Area Director, Bureau of Indian Affairs, declining to issue Deputy Special Officer commissions to Domingo Chance Esquerra and Charles Franklin Wood, who are employed by appellant as tribal game wardens.

On March 26, 1990, the Board received a stipulation for settlement of this appeal executed by counsel for appellant and appellee. The parties stipulate that Charles Franklin Wood does not presently qualify for a Deputy Special Officer commission because he has not yet met Peace Officer Standards and Training requirements for certification under 68 BIAM Supplement 1, section 9.6B. The parties agree, therefore, that this appeal may be dismissed as to Wood.

The parties stipulate that the appeal as it relates to Domingo Chance Esquerra may be remanded to appellee so that he may process Esquerra's application for a Deputy Special Officer commission through normal procedures.

The parties further stipulate that appellee will consider the decisions in Arnett v. Five Gill Nets, 48 Cal. App. 3d 454, 121 Cal. Rptr. 906 (1975), cert. denied, 425 U.S. 907 (1976), and California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987), in determining whether to issue a Deputy Special Officer commission to Esquerra.

Therefore, 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 as to Charles Franklin Wood; appellee's September 7, 1989, decision is vacated; and this case is remanded to appellee for consideration of the Deputy Special Officer application of Domingo Chance Esquerra in accordance with the terms of this order and the stipulation of the parties.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge