



INTERIOR BOARD OF INDIAN APPEALS

Vonley Weaskus, et al. v. Portland Area Director, Bureau of Indian Affairs

18 IBIA 233 (04/09/1990)

Related Board case:
18 IBIA 141



United States Department of the Interior

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

VONLEY WEASKUS, ET AL.,	:	Order Docketing and Dismissing
Appellants	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 90-68-A
PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 9, 1990

On April 6, 1990, the Board of Indian Appeals received a copy of a notice of appeal from Vonley Weaskus, et al., 1/ through counsel, Bob J. McCarthy, Esq., Lewiston, Idaho. The notice of appeal is dated March 6, 1990, and addressed to the Board. However, the original has not been received by the Board. The copy was transmitted to the Board by the Portland Area Director, Bureau of Indian Affairs. For purposes of this decision, the copy transmitted by the Area Director will be treated as an original filed with the Board.

Appellants state that they are appealing the inaction of the Portland Area Director, Bureau of Indian Affairs, concerning their February 15, 1990, request for release of trespass monies and damages for a 1985 timber trespass to Nez Perce allotment 1838. The Area Director states, and submits an affidavit of the Area Protection Forester attesting, that appellants' February 15 request was not received at the Portland Area Office until it was received as an attachment to appellants' March 6, 1990, appeal to the Board. The Area Director further states that appellants' February 15, 1990, appeal of the alleged inaction of the Superintendent, Northern Idaho Agency, concerning the same matter, is presently pending before the Area Director. 2/

Since the matter is presently pending before the Area Director, appellants' appeal to the Board is premature. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed without prejudice.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ The other appellants were not named in the notice of appeal.

2/ Appellants' earlier attempt to appeal the Superintendent's inaction to the Board was dismissed as premature on February 7, 1990. 18 IBIA 141.