



INTERIOR BOARD OF INDIAN APPEALS

Linda C. McDonald v. Portland Area Director, Bureau of Indian Affairs

18 IBIA 399 (08/21/1990)



United States Department of the Interior

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

LINDA C. McDONALD

v.

PORTLAND AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS

IBIA 90-65-A

Decided August 21, 1990

Appeal from a denial of a loan application under the Indian Revolving Loan Program.

Affirmed.

1. Board of Indian Appeals: Jurisdiction--Indians: Financial Matters: Financial Assistance

Decisions concerning whether a loan application under the Indian Revolving Loan Program should be approved are committed to the discretion of the Bureau of Indian Affairs. In reviewing such decisions, the Board of Indian Appeals does not substitute its judgment for that of the Bureau. Rather, it is the Board's responsibility to ensure that proper consideration was given to all legal prerequisites to the exercise of discretion.

APPEARANCES: Linda C. McDonald, pro se.

OPINION BY ADMINISTRATIVE JUDGE VOGT

Appellant Linda C. McDonald seeks review of a March 1, 1990, decision of the Portland Area Director, Bureau of Indian Affairs (Area Director; BIA), denying her application for a direct loan under the Indian Revolving Loan Program. For the reasons discussed below, the Board affirms the Area Director's decision.

Background

On February 12, 1990, appellant applied to the Siletz Agency, BIA, for a direct loan in the amount of \$27,500 for the purpose of starting a stained glass craft business. She sought the funds to cover start-up costs for the business and to allow for consolidation of her debts. The Acting Superintendent forwarded the application to the Area Office, recommending against approval because appellant had outstanding debt and was unable to contribute 20-percent equity capital to the business. By letter of March 1, 1990, the Area Director denied appellant's application, stating:

We regret that we are unable to approve your application for the following reasons:

