



INTERIOR BOARD OF INDIAN APPEALS

Cherfornak Traditional Council v. Juneau Area Director, Bureau of Indian Affairs

21 IBIA 135 (01/06/1992)



United States Department of the Interior

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

CHERFORNAK TRADITIONAL	:	Order Affirming Decision
COUNCIL,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 91-119-A
	:	
JUNEAU AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 6, 1992

This is an appeal from a June 20, 1991, decision of the Juneau Area Director, Bureau of Indian Affairs, disapproving appellant's application for a grant under the Small Tribes Grant Program announced in the Federal Register on January 31, 1991, 56 FR 3958. Appellant's notice of appeal reached the Board on August 15, 1991, and was accepted as timely in light of incomplete appeal information given in the Area Director's decision. Appellant stated only that it wished to submit a new grant application.

The appeal was docketed on August 15, 1991, and appellant was informed of its right to file a brief or statement. It filed nothing further.

In appeals arising under 25 CFR Part 2, an appellant bears the burden of proving that the BIA decision appealed from is erroneous or not supported by substantial evidence. See, e.g., Winnebago Tribe of Nebraska v. Aberdeen Area Director, 18 IBIA 441 (1990). In this case, appellant did not set forth any grounds for its appeal in its notice of appeal and did not file a brief. Under these circumstances, appellant has failed to carry its burden of proving error in the Area Director's decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Juneau Area Director's June 20, 1991, decision is affirmed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge