



INTERIOR BOARD OF INDIAN APPEALS

Mr. and Mrs. Charles Connelly, et al. v. Acting Phoenix Area Director,
Bureau of Indian Affairs

21 IBIA 142 (01/08/1992)

Related Board cases:

21 IBIA 140

22 IBIA 62

22 IBIA 64



United States Department of the Interior

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

MR. AND MRS. CHARLES CONNELLY,	:	Order Docketing and Dismissing
MR. AND MRS. WELTON CROSBY,	:	Appeal
MR. AND MRS. G. B. SAUCERMAN,	:	
THOMAS AND CATHERINE WILSON;	:	
and THOMAS AND MARIE WILSON,	:	
Appellants	:	
	:	
v.	:	Docket No. IBIA 92-107-A
	:	
CHEMEHUEVI INDIAN TRIBE	:	
and	:	
SUPERINTENDENT, COLORADO	:	
RIVER AGENCY, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellees	:	January 8, 1992

On December 24, 1991, the Board of Indian Appeals received a notice of appeal from Mr. and Mrs. Charles Connelly, Mr. and Mrs. Welton Crosby, Mr. and Mrs. G. B. Saucerman, Thomas and Catherine Wilson, and Thomas and Marie Wilson, through counsel, Frederick K. Steiner Jr., Esq., Phoenix, Arizona. Appellants state that they are seeking review of a November 26, 1991, letter from the Chemehuevi Indian Tribe (Tribe), concerning leases of tribal land in an area at Lake Havasu known as "The Colony." Appellants also appear to be seeking a general adjudication of their rights in the land.

The Tribe's letter is addressed to "Prospective Single-Family Resident Lessee[s]" and indicates that it transmitted proposed leases, described the conditions for execution of the leases, and stated the amounts each individual owed in back rent. It is the Board's understanding that the recipients of this letter are individuals who previously occupied lots in the "Colony" area under permits which have now expired.

This appeal is not properly before the Board. The Board lacks jurisdiction over appeals from acts or decisions of Indian tribes. To the extent appellant is attempting to appeal the Tribe's letter, the appeal must be dismissed for lack of jurisdiction. E.g., Rogers v. Acting Deputy Assistant Secretary--Indian Affairs (Operations), 15 IBIA 13 (1986); Hawley Lake Homeowners' Association v. Assistant Secretary--Indian Affairs (Operations), 13 IBIA 276 (1985).

Further, to the extent appellants are seeking a general adjudication of their rights, without reference to any decision of a BIA official, the Board also lacks jurisdiction. The Board is an administrative tribunal which acts under authority delegated by the Secretary of the Interior to review decisions of BIA officials; it is not a court of general jurisdiction.

Finally, to the extent appellants may be attempting to appeal a BIA decision, the appeal is premature. Although appellants have not identified any specific decision made by a BIA official, it is conceivable that an official or employee of the Colorado River Agency, BIA, may have rendered a decision in connection with the proposed leases. If so, however, appellants must first appeal within BIA, under 25 CFR Part 2, before an appeal to this Board will lie. 43 CFR 4.331(a). In conjunction with any appeal under Part 2, it is incumbent upon appellants to identify the BIA decision being appealed. 1/

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 docketed and dismissed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ Appellants contend that their appeal should be heard by the Interior Board of Land Appeals, with whom they have also filed a notice of appeal, even though they concede that the land at issue is administered by BIA. The Board of Land Appeals will presumably address the notice of appeal filed with it. Appellants are advised, however, that, with limited exceptions not applicable here, this Board, rather than the Board of Land Appeals, exercises the Secretary's authority to review decisions of BIA officials. 43 CFR 4.1(b)(2)(i).