



INTERIOR BOARD OF INDIAN APPEALS

Caddo Indian Tribe of Oklahoma v. Anadarko Area Director, Bureau of Indian Affairs

24 IBIA 231 (09/27/1993)



United States Department of the Interior

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

CADDO TRIBE OF OKLAHOMA,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 93-74-A
ANADARKO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	September 27, 1993

The Caddo Tribe of Oklahoma (Tribe) seeks review of a March 18, 1993, decision issued by the Anadarko Area Director, Bureau of Indian Affairs (Area Director; BIA), denying the Tribe's application for a FY 1993 Training and Technical Assistance grant. For the reasons discussed below, the Board of Indian Appeals (Board) affirms that decision.

Pursuant to an announcement published at 57 FR 54409 (Nov. 18, 1992), the Tribe submitted an application for a grant under the Training and Technical Assistance Program to the Anadarko Agency, BIA. The application was initially reviewed for completeness at the Agency, and was forwarded to the Anadarko Area Office on February 3, 1993, with a recommendation that it be approved.

The application was reviewed at the Area Office by a panel of reviewers. On March 18, 1993, the Area Director notified the Tribe that its application had received an average score of 65, which was below the 70 point level for funding.

Because the Area Director's decision failed to give any reasons for the denial of the Tribe's application, in its April 21, 1993, pre-docketing notice, the Board required the Area Director to furnish the Tribe a duplicate copy of the administrative record transmitted to the Board, with an enclosed statement of the specific reasons why the Tribe's application was denied. See Bowen v. American Hospital Association, 476 U.S. 610, 626-27 (1986); Fort Sill Apache Tribe v. Anadarko Area Director, 24 IBIA 190 (1993), and cases cited therein.

The Area Director's June 29, 1993, statement indicates that the Tribe's application was deficient or weak because "it did not contain certifications for a drug-free workplace or of nonpayment of tribal officials under the grant * * *, did not set out a clear statement of the need or problem the grant would address and lacked adequate documentation; no schedule was submitted for delivery of services."

Both the Tribe and the Area Director have submitted briefs on appeal.

The Tribe argues that all applications it files are complete, and it received a grant under the Small Tribes Program even though that application also did not have a drug-free workplace certification. It further states that drug-free workplace notices are conspicuously posted in the Caddo Tribal complex. In effect, the Tribe contends that because an error was committed in reviewing its Small Tribes grant application, the same error must also be committed in reviewing its Training and Technical Assistance grant application. The Board does not accept this reasoning. A drug-free workplace certification is required under the Training and Technical Assistance grant announcement. The Tribe's application did not contain this certification. The fact that it may have received another grant in error, or that it has signs posted at the workplace, does not entitle the Tribe to a waiver of the certification requirement.

In regard to the lack of a certification that no elected official would receive payment or compensation from the grant funds, the Tribe contends that it was never its intention to "pay" tribal officials. However, the announcement stated at section B(4)(f) that the applicant was required to "certify that no elected tribal official will receive a salary or any other form of compensation from a grant under this announcement." Because the application did not include the required certification, the Area Director correctly found it deficient.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Anadarko Area Director's March 18, 1993, decision is affirmed.

//original signed

Kathryn A. Lynn
Administrative Judge

//original signed

Anita Vogt
Administrative Judge