INTERIOR BOARD OF INDIAN APPEALS

Lorraine M. Rousseau v. Acting Aberdeen Area Director,
Bureau of Indian Affairs

25 IBIA 137 (01/25/1994)

United States Department of the Interior

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

LORRAINE M. ROUSSEAU, Appellant	:	Order Docketing and Dismissing Appeal
v.	:	
	:	Docket No. IBIA 94-40-A
ACTING ABERDEEN AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	January 25, 1994

Appellant Lorraine M. Rousseau seeks review of a December 7, 1993, decision issued by the Acting Aberdeen Area Director, Bureau of Indian Affairs (Area Director), concerning her removal as Tribal Chairperson of the Sisseton-Wahpeton Sioux Tribe. Appellant's notice of appeal was postmarked January 12, 1994, but was not received until January 21, 1994.

The Area Director's December 7, 1993, decision ended:

> This decision may be appealed to the Interior Board of Indian Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310-4.340. Your notice of appeal * * * <u>must be mailed within 30 days of the date you receive this decision</u>. * * *
>
> If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal. [Emphasis in original.]

The Board requested from the Area Director a copy of the return receipt card for his December 7, 1993, decision. The card shows that appellant signed for the letter on December 10, 1993. Her notice of appeal to the Board is postmarked January 12, 1994, which is more than 30 days after she received the Area Director's decision. Under 43 CFR 4.332, the Board lacks jurisdiction over any notice of appeal that is not timely filed. 1/

1/ Even if appellant's notice of appeal had been timely, the Board would probably still have lacked jurisdiction. The Area Director's decision states: "[I]t is the decision of this office to sustain the decision made by the Superintendent, Sisseton Agency, subject to reexamination upon receipt of a judgment in any litigation filed under the jurisdiction of the Sisseton-Wahpeton Sioux Tribe." It appears that orders adverse to appellant were entered by the Tribal Court on Oct. 26 and Nov. 4, 1993. The Board has been informed by the Tribal Court that appellant did not file an appeal from

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1 and 4.332, this appeal from the Acting Aberdeen Area Director's December 7, 1993, decision is docketed and dismissed as being untimely filed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge

(fn. 1, continued)
the Tribal Court orders and that the time for filing an appeal has passed. Although appellant's notice of appeal indicates that she disagrees with the Tribal Court orders, the Board lacks jurisdiction to review decisions issued by tribal courts. See, e.g., Blaine v. Aberdeen Area Director, 21 IBIA 173 (1992), and authorities cited therein. Also, in furtherance of the Federal goals of tribal sovereignty and self-determination, the Department routinely defers to a tribe's reasonable interpretation of its own governing documents. See, e.g., Wells v. Acting Aberdeen Area Director, 24 IBIA 142, 145 (1993), and cases cited therein.