



INTERIOR BOARD OF INDIAN APPEALS

Cecil W. Provost v. Aberdeen Area Director, Bureau of Indian Affairs

25 IBIA 173 (02/15/1994)

Reconsideration denied:

25 IBIA 186

25 IBIA 233



United States Department of the Interior

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

CECIL W. PROVOST,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 93-106-A
ABERDEEN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	February 15, 1994

Appellant Cecil W. Provost sought review of a June 8, 1993, decision of the Aberdeen Area Director, Bureau of Indian Affairs (Area Director; BIA), recognizing the action of the Yankton Sioux Tribe in reinstating certain individuals to the Yankton Sioux Business and Claims Committee (Committee). For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal.

While reviewing the materials submitted by appellant, the Board noted that appellant listed an individual as chairman other than the person recognized as having been reinstated as Chairman in the Area Director's decision. The Board contacted counsel for the Area Director and requested the name of the individual currently recognized as Chairman. Counsel contacted BIA and informed the Board that Darrell Drapeau was recognized as Chairman, based on a September 1993 election. The Board then requested further information concerning the current Committee members.

On February 7, 1994, the Board received an affidavit from the Area Director indicating the results of the September 1993 election. The affidavit also stated that no protest or appeal concerning this election was pending before the Superintendent, Yankton Agency, BIA, or the Area Director.

The Board has consistently held that a valid tribal election held during the pendency of an appeal from an earlier election or removal action renders the appeal moot. See, e.g., Villegas v. Sacramento Area Director, 24 IBIA 150 (1993), and cases cited therein.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Area Director's June 8, 1993, decision is dismissed as moot. 1/

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge

1/ Because of this holding the Board does not reach the question of appellant's standing to bring this appeal.