



INTERIOR BOARD OF INDIAN APPEALS

Hoop Valley Tribal Council v. Chief, Branch of Judicial Services

26 IBIA 14 (05/20/1994)

1) Standard Form (SF) 424, Application for Federal Assistance; SF 424B, Assurances - NonConstruction Programs * * *.

Part IV. E, Application Requirements, further provides that “[i]n order to be reviewed, each application must meet the following requirements: * * * 4) the following documents are excluded from the 50 page limitation: * * * Standard Forms (SF) 424 and 424B” (Emphasis in original). The first page of SF 424B clearly shows the form number, and indicates that “[i]f you have any questions, please contact the awarding agency.” Part IV.C, Incomplete Applications, provides that “[i]ncomplete applications will not be reviewed or rated. * * * An incomplete application is an application which does not contain the information and documentation listed in Part IV-E, Application Requirements.”

Appellant admits receiving the first page of SF 424B. Appellant offers no explanation for its decision not to include that first page in its application other than there was nothing on the face of the form indicating that it was to be submitted. The Board finds this explanation unpersuasive. Appellant was on notice from the announcement it received that SF 424B was required as part of its application. Its decision not to include any part of that form was made at its own risk.

Furthermore, the Board concludes that the Chief's decision to review and rate those applications which included only the first page of SF 424B was reasonable under the circumstances where BIA had undertaken to provide tribal leaders with copies of the program announcement, and had erred in photocopying the materials. However, that decision does not require BIA to also review and rate those applications which did not include even the first page of SF 424B.

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 Chief's February 8, 1994, decision is docketed, and that decision is affirmed. 1/

//original signed
Kathryn A. Lynn
Chief Administrative Judge

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Anita Vogt
Administrative Judge

1/ Other arguments raised in appellant's reply brief were considered and rejected.