



INTERIOR BOARD OF INDIAN APPEALS

Yurok Tribe v. Acting Sacramento Area Director, Bureau of Indian Affairs

26 IBIA 45 (06/10/1994)



## United States Department of the Interior

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

YUROK TRIBE, : Order Docketing and Dismissing  
Appellant : Appeal, and Referring Matter  
 : to the Commissioner of Indian  
v. : Affairs  
 :  
ACTING SACRAMENTO AREA DIRECTOR, : Docket No. IBIA 94-123-A  
BUREAU OF INDIAN AFFAIRS, :  
Appellee : June 10, 1994

Appellant Yurok Tribe seeks review of a May 6, 1994, decision issued by the Acting Sacramento Area Director, Bureau of Indian Affairs (Area Director; BIA), which denied funding for appellant above the \$35,896 which had apparently previously been approved for the Employment Assistance Program component of appellant's Consolidated Tribal Grants Program Master Education contract application under P.L. 93-638. Appellant's notice of appeal indicates that it had requested funding in the amount of \$40,200.

The Area Director's decision stated that appellant had 30 days in which to

file an appeal with the [Board] under 25 CFR. You may request a hearing on the record. The [Board] or Ad Hoc Board to whom this appeal has been referred, will determine whether you are entitled to such a hearing under 25 CFR. Failure to request a hearing on the record will be considered a waiver of any right you may have to such a hearing. An appeal to the [Board] under 25 CFR must be filed with the [Board] at the following address: Board of Indian Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203.

The appeal information given is based on proposed P.L. 93-638 regulations which were published at 59 FR 3166, 3204 (Jan. 20, 1994). These regulations are not in effect. Until new regulations governing P.L. 93-638 issues are finalized, appeals continue to be governed by existing procedures.

In Redding Rancheria v. Acting Sacramento Area Director, 26 IBIA 11 (1994), the Board considered an appeal quite similar to this one. In Redding Rancheria, as here, the appeal concerned an unresolved funding issue. Appeals of unresolved funding issues are governed by 25 CFR 271.81-.82, under which jurisdiction lies with the Commissioner of Indian Affairs, not this Board.

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 May 6, 1994, decision is docketed and dismissed for lack of jurisdiction. The case is transferred to the Commissioner of Indian Affairs for appropriate consideration.

\_\_\_\_\_  
//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Anita Vogt  
Administrative Judge