



INTERIOR BOARD OF INDIAN APPEALS

Cocopah Indian Tribe v. Chief, Branch of Judicial Services, Bureau of Indian Affairs

26 IBIA 107 (07/07/1994)



United States Department of the Interior

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

COCOPAHA INDIAN TRIBE, Appellant	:	Order Affirming Decision
	:	
	:	
v.	:	
	:	Docket No. IBIA 94-75-A
CHIEF, BRANCH OF JUDICIAL SERVICES, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	
	:	July 7, 1994

Appellant Cocopah Indian Tribe seeks review of a February 8, 1994, decision issued by the Chief, Branch of Judicial Services, Bureau of Indian Affairs (Chief; BIA), declining to consider appellant's application for a FY 1994 Special Tribal Court grant because the application was not accompanied by a current tribal resolution or other written expression of support. For the reasons discussed below, the Board of Indian Appeals (Board) affirms that decision.

Appellant contends that it submitted a complete and timely application prior to the application submission deadline of December 17, 1993. It concedes that the resolution submitted with its application was not signed, but argues that a tribal council quorum was not available before December 17, 1993. It states that the resolution was subsequently signed on December 28, 1993, without change, when a quorum was available. Appellant argues that it has followed this same procedure in applying for other BIA grants, and has never been denied consideration for that reason.

The Chief argues that appellant's application was incomplete as of December 17, 1993, because it did not include a signed tribal resolution, and that the submission of the signed tribal resolution after December 17, 1993, was untimely.

The Board agrees with the Chief that an unsigned tribal resolution does not meet the requirements of the program announcement that an application be accompanied by a current tribal resolution. An unsigned tribal resolution has no force or effect. Even if appellant has received consideration for other grant programs under the same circumstances as exist here, this does not give appellant a right to continue to receive improper consideration of its applications. See Caddo Tribe of Oklahoma v. Anadarko Area Director, 24 IBIA 231 (1993) (holding that improper consideration of an incomplete grant application under one program does not require consideration of an application, incomplete for the same reason, under another program) .

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the February 8, 1994, decision of the Chief, Branch of Judicial Services, is affirmed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge