



INTERIOR BOARD OF INDIAN APPEALS

Valdez Native Association v. Acting Juneau Area Director, Bureau of Indian Affairs

26 IBIA 253 (10/04/1994)



United States Department of the Interior

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

VALDEZ NATIVE ASSOCIATION, : Order Docketing Appeal and
Appellant : Affirming Decision
: :
v. : :
: Docket No. IBIA 94-189-A
ACTING JUNEAU AREA DIRECTOR, :
BUREAU OF INDIAN AFFAIRS, :
Appellee : October 4, 1994

This is an appeal from a July 29, 1994, decision issued by the Juneau Area Director, Bureau of Indian Affairs (Area Director; BIA), which declined to accept and review appellant's application for a FY 1994 Indian Child Welfare Act (ICWA) grant.

The notice of availability of funds for the off-reservation ICWA grant program was published in the Federal Register on May 16, 1994. 59 FR 25542. Appellant submitted its application to the Anchorage Agency, BIA, on June 30, 1994, the final date for submission of applications. The Agency forwarded the application to the Juneau Area Office, where it was received on July 14, 1994. On July 29, 1994, the Area Director rejected appellant's application as untimely.

In its notice of appeal, appellant contends that its application should be considered timely because it was received by BIA by the closing date. It further contends that the Agency has previously accepted its grant applications without problems. Finally, it contends that it was not aware of the May 16, 1994, notice, which stated that applications were to be submitted to the Area Office.

It was appellant's responsibility to familiarize itself with the requirements of the program under which it intended to submit an application. It was, accordingly, appellant's responsibility to obtain a copy of the program announcement in order to ensure that it complied with the stated requirements. If appellant was not otherwise aware of the importance of complying with those requirements, it was put on notice by the application form it completed. The form included the statement: "APPLICATIONS WHICH DO NOT COMPLY WITH ALL MANDATORY REQUIREMENTS WILL NOT BE REVIEWED OR CONSIDERED FOR FUNDING" (Emphasis and capitals in original) .

The Federal Register notice clearly informed potential applicants that applications were to be submitted to the Area Offices and that they were required to be received by the close of business on June 30, 1994. Appellant's application was not received at the Area Office by that date and was therefore untimely. Chugachmiut v. Acting Juneau Area Director, 26 IBIA 238 (1994).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed, and the Area Director's July 29, 1994, decision is affirmed.

//original signed

Anita Vogt
Administrative Judge

//original signed

John H. Kelly
Administrative Judge
Alternate Member