



INTERIOR BOARD OF INDIAN APPEALS

Sherman P. Hawkins v. Leona Chapin, et al.

28 IBIA 216 (10/04/1995)

Denying reconsideration of:
28 IBIA 199



United States Department of the Interior

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

SHERMAN P. HAWKINS : Order Denying Reconsideration
: :
v. : :
: :
LEONA CHAPIN, CECIL HAWKINS, : Docket No. IBIA 95-162-A
: :
and DELLA WAGNER : October 4, 1995

On September 20, 1995, the Board dismissed Hawkins' petition for partition of trust land on the Crow Reservation, stating that Hawkins must submit his petition to the Crow Agency, Bureau of Indian Affairs (BIA), which has initial jurisdiction over partitions of land on the Crow Reservation. 28 IBIA 199.

Hawkins has filed a petition for reconsideration of the Board's decision. He states that, prior to filing his petition for partition with the Board, he had contacted BIA to request partition but had received no response. Hawkins did not make this allegation in his initial filing with the Board. Moreover, he does not now contend that he followed the procedures in 25 CFR 2.8 concerning appeals from inaction of BIA officials.

In order to appeal the inaction of a BIA official to a higher BIA official, and eventually to this Board, Hawkins must follow the procedures in 25 CFR 2.8, a copy of which is enclosed with Hawkins' copy of this order.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for reconsideration is denied.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge