



INTERIOR BOARD OF INDIAN APPEALS

Dennis B. Miller v. Acting Sacramento Area Director, Bureau of Indian Affairs

29 IBIA 140 (03/25/1996)



United States Department of the Interior

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

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|----------------------------------|---|----------------------------|
| DENNIS B. MILLER, | : | Order Dismissing Appeal as |
| Appellant | : | Moot |
| | : | |
| v. | : | |
| | : | Docket No. IBIA 95-72-A |
| ACTING SACRAMENTO AREA DIRECTOR, | : | |
| BUREAU OF INDIAN AFFAIRS, | : | |
| Appellee | : | March 25, 1996 |

Appellant Dennis B. Miller sought review of a December 7, 1994, decision of the Acting Sacramento Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning removal and appointment actions taken at an April 24, 1994, tribal meeting of the Morongo Band of Mission Indians (Band). After beginning review of this appeal, the Board learned that a regularly scheduled tribal election was to have been held on July 15, 1995. The Board gave the parties an opportunity to inform it whether the election was held as scheduled, and requested that the Area Director inform it of the identity of the presently recognized Tribal Council.

The Area Director provided the Board with copies of an August 15, 1995, letter from the Tribal Secretary to the Superintendent, Southern California Agency, BIA, notifying BIA of the results of the July 15 election, and of an August 24, 1995, letter from the Superintendent acknowledging receipt of the August 15 letter. The Band also responded that the election had been held. Both responses showed that appellant had been elected to a seat as a Tribal Council member at the July 15 election.

Appellant did not respond.

The Board has consistently held that a valid tribal election held during the pendency of an appeal renders moot questions concerning prior tribal leadership. *See, e.g., Hamilton v. Acting Sacramento Area Director*, 29 IBIA 122 (1996); *Villegas v. Sacramento Area Director*, 24 IBIA 150 (1993). Appellant has failed to even allege that the July 15 election was not valid. Under these circumstances, the Board concludes that this appeal is moot.

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 Acting Sacramento Area Director's December 7, 1994, decision is dismissed as moot.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge