



INTERIOR BOARD OF INDIAN APPEALS

Cowboy Adventures, Inc. v. Acting Phoenix Area Director, Bureau of Indian Affairs

29 IBIA 189 (05/13/1996)



United States Department of the Interior

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

COWBOY ADVENTURES, INC.,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	Docket No. IBIA 96-7-A
	:	
ACTING PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	May 13, 1996

Appellant Cowboy Adventures, Inc., sought review of a September 8, 1995, decision issued by the Acting Phoenix Area Director, Bureau of Indian Affairs (Area Director), concerning a business lease between appellant and the Fort McDowell Mohave-Apache Indian Community (Community). On March 11, 1996, the Board received a stipulation to dismiss the appeal. The stipulation was signed by counsel for appellant and counsel for the Community, who stated that a settlement had been reached.

Because there was no indication in the stipulation that the Area Director had been included in the settlement discussions or that he agreed with the request to dismiss, the Board contacted the Area Director and asked for his position in regard to dismissal. On March 25, 1996, the Board received a memorandum from the Area Director stating that he had not received written notification of the settlement. By order of the same date, the Board noted that the Area Director was a party to this appeal, and declined to dismiss the appeal until receiving notification that he concurred in the request to dismiss.

On May 10, 1996, the Board received a memorandum from the Area Director indicating that he agreed the appeal should be dismissed on the basis of the settlement reached between appellant and the Community.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, and the settlement reached by the parties, this appeal from the Acting Phoenix Area Director's September 8, 1995, decision is dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge