



INTERIOR BOARD OF INDIAN APPEALS

Dana Cassadore v. Acting Phoenix Area Director, Bureau of Indian Affairs

30 IBIA 100 (11/20/1996)

Related Board case:
29 IBIA 288



United States Department of the Interior

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

DANA CASSADORE,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 97-46-A
ACTING PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	November 20, 1996

This is the second appeal filed by this appellant from an April 9, 1996, memorandum issued by the Acting Phoenix Area Director, Bureau of Indian Affairs, appointing a magistrate for the Court of Indian Offenses for the Te-Moak Tribes. Appellant's first appeal was dismissed on August 20, 1996, 29 IBIA 288, for lack of standing.

Appellant now contends that he has acquired standing to appeal the April 9, 1996, appointment because, on October 4, 1996, the magistrate terminated appellant's privilege of appearing or practicing as a counsel of record in the Court of Indian Offenses.

The Board's August 20, 1996, decision is final for the Department of the Interior. The time for filing a petition for reconsideration of that decision is long past.

Even if it were to find that (1) it had jurisdiction over an appeal from the appointment of a magistrate for a Court of Indian Offenses; (2) it has authority to revisit its August 20, 1996, decision; and (3) this appeal is timely, the Board would not entertain the appeal.

The fact that a Court of Indian Offenses magistrate has issued a decision adverse to appellant does not give appellant standing to appeal from a BIA decision appointing the magistrate.

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 but is dismissed for lack of standing.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge