



INTERIOR BOARD OF INDIAN APPEALS

Dull Knife Memorial College v. Acting Billings Area Director,
Bureau of Indian Affairs

30 IBIA 179 (01/22/1997)



United States Department of the Interior

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

DULL KNIFE MEMORIAL COLLEGE,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	Docket No. IBIA 96-74-A
	:	
ACTING BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 22, 1997

Appellant Dull Knife Memorial College sought review of an April 15, 1996, decision issued by the Acting Billings Area Director, Bureau of Indian Affairs (BIA Area Director). The decision concerned the right of occupancy to a tract of tribal land leased to the Indian Health Service (IHS), under Northern Cheyenne Tribal Lease C57-530. Appellant contended that it had a claim to a portion of the tract.

On July 22, 1996, the Board received a letter from appellant stating that the matter had been fully settled upon the merits. By telephone, the Board requested that appellant provide a copy of the settlement agreement for inclusion in the administrative record before the Board dismissed the matter. The Board was informed that the settlement had not been reduced to writing, but that a copy would be sent when it was available.

On October 15, 1996, the Board received from appellant a copy of an October 3, 1996, letter from the Billings Area Director of the IHS. The letter sets out IHS' position regarding appellant's use of part of the tract under lease to IHS. Because it did not appear that a copy of this letter had been sent to the BIA Area Director, the Board forwarded a copy of the letter to him and requested information as to whether he believed the letter constituted a settlement of the issues raised in this appeal.

On January 21, 1997, the Board received a response from the BIA Area Director indicating no objection to the dismissal of this appeal.

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 Billings Area Director's April 15, 1996, decision is dismissed on the basis of the settlement reached between appellant and IHS.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge