



INTERIOR BOARD OF INDIAN APPEALS

Cynthia A. Walsh v. Acting Eastern Area Director, Bureau of Indian Affairs

30 IBIA 180 (01/24/1997)



United States Department of the Interior

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

CYNTHIA A. WALSH,
Appellant

v.

ACTING EASTERN AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal and Referring Matter to
: Assistant Secretary - Indian
: Affairs
:
: Docket No. IBIA 97-84-A
:
: January 24, 1997

On January 22, 1997, the Board of Indian Appeals (Board) received a notice of appeal and statement of reasons from Cynthia A. Walsh (appellant). Appellant seeks review of certain alleged actions and inactions of the Acting Eastern Area Director, Bureau of Indian Affairs, in regard to the development of a proposed final base membership roll for the Catawba Indian Tribe of South Carolina under the Catawba Indian Tribe of South Carolina Land Claim Settlement Act of 1993, P.L. 103-11G, 107 Stat. 118 (Oct. 27, 1993).

43 CFR 4.330(b) provides: "Except as otherwise permitted by the Secretary or the Assistant Secretary - Indian Affairs by special delegation or request, the Board shall not adjudicate: (1) Tribal enrollment disputes." Enrollment appeals are within the jurisdiction of the Assistant Secretary Indian Affairs. See 25 CFR Part 62; Gould v. Bureau of Indian Affairs, 24 IBIA 54 (1993); Deardorff v. Acting Portland Area Director, 18 IBIA 411 (1990).

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 alleged actions and inactions of the Acting Eastern Area Director is docketed, but dismissed for lack of jurisdiction. This matter is referred to the Assistant Secretary - Indian Affairs for appropriate consideration.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge