



INTERIOR BOARD OF INDIAN APPEALS

B&J Oil Company, et al.; and City of Sallisaw, Oklahoma
v. Acting Muskogee Area Director, Bureau of Indian Affairs

32 IBIA 103 (03/13/1998)



United States Department of the Interior

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

B&J OIL COMPANY, et al.,	:	Order Lifting Stay, Vacating
Appellants	:	Decision, and Remanding
	:	Case
CITY OF SALLISAW, OKLAHOMA,	:	
Appellant	:	
	:	Docket Nos. IBIA 97-166-A
v.	:	IBIA 97-167-A
	:	
ACTING MUSKOGEE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 13, 1998

These are appeals from a July 3, 1997, decision of the Acting Muskogee Area Director, Bureau of Indian Affairs, to take a 1.73-acre tract in Sallisaw, Oklahoma, into trust for the Cherokee Nation.

The appeals have been stayed since September 23, 1997, following issuance of the Board's decision in Village of Ruidoso, New Mexico v. Albuquerque Area Director, 31 IBIA 143 (1997).

On February 13, 1998, the Board received a motion from the Area Director, requesting that the Board lift the stay and allow him to submit supplemental findings in support of his decision. In the alternative, he requested that the Board remand the matter to him for further review and decision.

No responses to the Area Director's motion have been received.

The Area Director concedes that this trust acquisition request requires further analysis on his part. The appropriate course of action in these circumstances is to vacate his decision and remand the matter to him for further consideration.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Area Director's July 3, 1997, decision is vacated, and this case is remanded to him for further consideration.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge