



INTERIOR BOARD OF INDIAN APPEALS

Crow Tribe of Montana v. Contracting Officer, National Business Center,
Bureau of Land Management

33 IBIA 31 (09/28/1998)



United States Department of the Interior

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

CROW TRIBE OF MONTANA, Appellant	:	Order Docketing, Dismissing, and
	:	Transferring Appeal to the Board
	:	of Contract Appeals
v.	:	
	:	
CONTRACTING OFFICER, NATIONAL BUSINESS CENTER, BUREAU OF LAND MANAGEMENT, Appellee	:	Docket No. IBIA 98-122-A
	:	
	:	
	:	September 28, 1998

This is an appeal from a July 20, 1998, decision of the Contracting Officer, National Business Center, Bureau of Land Management (BLM), concerning the request of the Crow Tribe for budget modification with respect to Contract No. 1422-N660-C97-3057, Solid Minerals.

The Contracting Officer advised the Tribe that it could appeal her decision to this Board under 25 C.F.R. § 900.158. However, a review of the decision suggested that the Tribe's appeal might not fall within the jurisdiction of this Board but, rather, within the jurisdiction of the Board of Contract Appeals. After discussing the matter informally with the Board of Contract Appeals, this Board ordered jurisdictional briefing by the parties.

Subsequently, the Tribe filed another appeal, this one from a decision issued on July 30, 1998, by the Acting Montana State Director, BLM, declining the Tribe's proposal for an Annual Funding Agreement under Contract No. 1422-N660-C97-3057. In accordance with appeal instructions given in that decision, the Tribe appealed it to the Board of Contract Appeals.

Upon learning of the second appeal, this Board amended its order for jurisdictional briefs, requesting that the parties address both appeals. The briefs have now been received.

Conceding that it gave incorrect appeal instructions in both cases, BLM argues that the appeal now before this Board belongs before the Board of Contract Appeals and the appeal now before the Board of Contract Appeals belongs before this Board. The Tribe contends that the two appeals are related and should be consolidated before this Board.

Upon review of the parties' filings, the two Boards are agreed that BLM's analysis is the more persuasive. Accordingly, the Boards have agreed that each Board will transfer to the other the appeal currently pending before it.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed, dismissed, and transferred to the Board of Contract Appeals.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge