



INTERIOR BOARD OF INDIAN APPEALS

Edna M. Miller v. Bureau of Indian Affairs and Assistant Secretary -  
Indian Affairs

33 IBIA 60 (10/19/1998)

Denying reconsideration of:  
32 IBIA 294



# United States Department of the Interior

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

EDNA M. MILLER,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket Nos. IBIA 98-100-A
BUREAU OF INDIAN AFFAIRS and	:	IBIA 98-120-A
ASSISTANT SECRETARY - INDIAN	:	
AFFAIRS,	:	
Appellee	:	October 19, 1998

On August 25, 1998, the Board dismissed these appeals for lack of jurisdiction. 32 IBIA 294. Appellant has now filed a request for reconsideration, contending that the Board misunderstood her appeals. Appellant states:

I am not appealing on behalf of the Chinook Indian Tribe, although this request may result in restoring the Chinook Tribe to the Federal Register list of recognized tribes.

Neither of my Appeal attempts have been in behalf of the Chinook Indian Tribe. Both of these SEPARATE APPEAL requests have been attempts to have my INDIVIDUAL RIGHTS as an Individual Indian Person be restored and to have the BUREAU OF INDIAN AFFAIRS provide the services and protections that are my birthright as an Individual CHINOOK woman.

As evidenced by the caption above, the Board has construed Appellant's appeal as having been filed on her own behalf, rather than on behalf of the Chinook Tribe. However, Appellant clearly sought to have the Chinook Tribe added to the Federal Register list of recognized tribes. See 32 IBIA at 295. In any event, Appellant claims "individual" rights based on her membership in the Chinook Tribe. Accordingly, the real issue here is the status of the Chinook Tribe.

As stated in the Board's earlier decision, the Chinook Tribe presently has a petition for Federal acknowledgment pending before BIA. Accordingly, jurisdiction over the question of the Chinook Tribe's status lies with BIA, not this Board.

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 request for reconsideration is denied. This decision is final for the Department of the Interior.

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Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge