



INTERIOR BOARD OF INDIAN APPEALS

Brenda J. Bellonger v. Aberdeen Area Director and Superintendent, Sisseton Agency,
Bureau of Indian Affairs

34 IBIA 49 (07/26/1999)

Related Board case:
34 IBIA 113



United States Department of the Interior

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

BRENDA J. BELLONGER,	:	Order Docketing and Dismissing
Appellant	:	Appeal as Premature
	:	
v.	:	
	:	
ABERDEEN AREA DIRECTOR and	:	Docket No. IBIA 99-80-A
SUPERINTENDENT, SISSETON AGENCY,	:	
BUREAU OF INDIAN AFFAIRS	:	
Appellees	:	July 26, 1999

On July 23, 1999, the Board of Indian Appeals received a notice of appeal from Brenda J. Bellonger, pro se. Appellant states that she seeks review of a March 25, 1999, letter signed by the Superintendent, Sisseton Agency, Bureau of Indian Affairs, concerning Appellant's request to lease Sisseton Allotment 822. She also states that she seeks review of the inaction of the Area Director in failing to respond to her appeal from the Superintendent's letter.

Appellant appears to believe that the Area Director was required to issue a decision within 60 days from the date her notice of appeal was received at the Area Office. This is incorrect. Under 25 C.F.R. § 2.19(a), an Area Director is required to issue a decision within 60 days "after all time for pleadings (including all extensions granted) has expired." This includes the time in which interested parties may file answer briefs.

The time for the Area Director's decision has not expired. Accordingly, this appeal is premature.

The Board has contacted the Area Office by telephone and has learned that a decision in Appellant's appeal is expected to be issued shortly. If Appellant is not satisfied with that decision, she may file a new notice of appeal with the Board.

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 but is dismissed without prejudice as premature.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge