



INTERIOR BOARD OF INDIAN APPEALS

Donna Linnie Chouteau v. Acting Muskogee Area Director, Bureau of Indian Affairs

34 IBIA 112 (09/13/1999)

Denying reconsideration of:

34 IBIA 57



United States Department of the Interior

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

DONNA LINNIE CHOUTEAU,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 98-82-A
ACTING MUSKOGEE AREA	:	
DIRECTOR, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	September 13, 1999

The Board of Indian Appeals issued a decision in the above case on July 30, 1999. 34 IBIA 57. The Muskogee Area Director, Bureau of Indian Affairs (Area Director), filed a timely petition for reconsideration.

The Area Director requests that the Board either reconsider or clarify its decision. However, the petition does not allege any way in which the Board erred in its original analysis. Instead, it asserts that the Board's decision "does not appear to require the Area Director to determine that the Appellant has standing or require the Area Director to reverse previous decisions where rights may have vested in beneficiaries." Petition at 1. After addressing each of these areas more fully, the petition continues: "Because of the language of the Board's decision, it appears that these issues are to be addressed by the Area Director upon remand, and subject to the right of appeal of any interested party. The Board should so hold." *Id.* at 5-6.

The Area Director is correct that the Board did not address these issues. The Board confined itself to the issue before it; *i.e.*, whether there was a right of appeal from a Superintendent's approval of an Osage inter vivos trust. The Board remanded the matter to the Area Director "for further consideration." It is the Area Director's responsibility on remand to address the issues he believes are raised in the appeal before him. The Board declines, however, to attempt to specify what those issues are or might be.

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 petition for reconsideration is denied.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge