



INTERIOR BOARD OF INDIAN APPEALS

Steve Defender v. Aberdeen Area Director, Bureau of Indian Affairs

34 IBIA 186 (11/23/1999)



United States Department of the Interior

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

STEVE DEFENDER,
Appellant

v.

ABERDEEN AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Reversing Imposition of an Appeal
: Bond
:
:
: Docket No. IBIA 99-67-A
:
:
: November 23, 1999

Appellant Steve Defender seeks review of a March 30, 1999, decision of the Aberdeen Area Director, Bureau of Indian Affairs (Area Director; BIA), requiring that he post an appeal bond in the amount of \$13,509.20. For the reasons discussed below, the Board of Indian Appeals (Board) reverses that decision.

Appellant was an unsuccessful bidder for Range Unit (RU) 726 on the Standing Rock Sioux Reservation in 1998. The Superintendent, Standing Rock Agency, BIA (Superintendent), notified Appellant that his bid was not accepted by letter dated January 21, 1999. Appellant appealed the decision to the Area Director.

By letter dated February 24, 1999, Kurt Netterville, the successful bidder for RU 726, requested that BIA require Appellant to post an appeal bond. Netterville contended that, as a result of the delay caused by the appeal, he stood to lose a total of \$57,449.20. Netterville provided an itemized breakdown of his alleged potential losses.

On March 30, 1999, the Area Director ordered Appellant to post an appeal bond in the amount of \$13,509.20. The Area Director's letter did not provide information as to how she calculated this amount. However, Netterville's itemized list included \$409.20 in interest on the \$13,100 which he paid for the lease on RU 726. Netterville requested that a bond cover the \$409.20 in interest, but not the \$13,100 in lease payments. The sum of \$13,100 and \$409.20 is \$13,509.20. No other figures in Netterville's request for an appeal bond add to \$13,509.20. Therefore, for purposes of this decision, the Board assumes that the bond was intended to cover the lease payment and interest.

The Area Director did not include appeal information in her March 30, 1999, letter, but stated that Appellant's failure to post an appeal bond would be grounds for the summary dismissal of his appeal under 25 C.F.R. § 2.17(b).

