



INTERIOR BOARD OF INDIAN APPEALS

Rebecca Torres, et al. v. Acting Eastern Oklahoma Regional Director,  
Bureau of Indian Affairs

35 IBIA 138 (08/02/2000)

Related Board case:  
34 IBIA 173



# United States Department of the Interior

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

REBECCA TORRES, et al.,	:	Order Docketing and Dismissing
Appellants	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 00-99-A
ACTING EASTERN OKLAHOMA REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	August 2, 2000

This appeal was filed by Rebecca Torres, Michael W. Richards, and Esther Holloway. They seek review of a June 14, 2000, letter from the Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs (Regional Director), in which he stated that he was withdrawing recognition of Torres as Chief of the Alabama-Quassarte Tribal Town, withdrawing recognition of certain members of the Governing Committee of the Town, and recognizing an interim governing body pending mediation to resolve membership disputes within the Town.

The June 14, 2000, letter indicated that the Regional Director had been directed to withdraw recognition of Torres and the other tribal officials. However, it did not show who issued the direction. Noting that the identity of the deciding official was critical to a determination of the Board's jurisdiction in this matter, the Board ordered the Regional Director to identify that official.

In response, the Regional Director submitted a copy of a June 13, 2000, memorandum to him from the Assistant Secretary - Indian Affairs. It is clear from that memorandum that it was the Assistant Secretary who withdrew recognition of Torres and the other tribal officials and who recognized an interim governing body.

The Board lacks jurisdiction over decisions which the Assistant Secretary - Indian Affairs has either issued himself or approved in writing prior to issuance. 43 C.F.R. § 4.331 (b); Scotts Valley Band of Pomo Indians v. Assistant Secretary - Indian Affairs, 35 IBIA 89 (2000).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed but is dismissed for lack of jurisdiction.

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Anita Vogt  
Administrative Judge

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Kathryn A. Lynn  
Chief Administrative Judge