



INTERIOR BOARD OF INDIAN APPEALS

Seneca-Cayuga Tribe of Oklahoma v. Acting Eastern Oklahoma Regional Director,
Bureau of Indian Affairs

36 IBIA 186 (06/21/2001)



United States Department of the Interior

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

SENECA-CAYUGA TRIBE OF OKLAHOMA, Appellant v. ACTING EASTERN OKLAHOMA REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	: Order Docketing and Referring Appeal : to the Assistant Secretary - Indian : Affairs : : : Docket No. IBIA 01-130-A : : : : June 21, 2001
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This is an appeal from a May 15, 2001, decision of the Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs, concerning the request of the Seneca-Cayuga Tribe of Oklahoma for payment of attorney fees from appropriated funds under 25 C.F.R. §§ 89.40-89.43. The Acting Regional Director stated that the Tribe's request had been denied. He further stated: "This decision is supported by the recommendation of the Attorney Fee Review Committee and has the concurrence of the Associate Solicitor - Indian Affairs."

In Walker River Paiute Tribe v. Acting Phoenix Area Director, 18 IBIA 109 (1990), the Board referred a similar appeal to the Assistant Secretary - Indian Affairs under 43 C.F.R. § 4.337(b) upon concluding that a decision to deny attorney fee funding under 25 C.F.R. §§ 89.40-89.43 is a decision based upon the exercise of discretionary authority.

Under 43 C.F.R. § 4.337(b), the Board may either dismiss this appeal or refer it to the Assistant Secretary. In order to ensure that the Tribe's appeal receives full consideration, the Board concludes that it should be referred to the Assistant Secretary.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, and pursuant to 43 C.F.R. § 4.337(b) this appeal is docketed and referred to the Assistant Secretary - Indian Affairs.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge