



INTERIOR BOARD OF INDIAN APPEALS

San Carlos Apache Tribe v. Western Regional Director, Bureau of Indian Affairs

37 IBIA 268 (06/05/2002)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

SAN CARLOS APACHE TRIBE, Appellant	:	Order Dismissing Appeal
	:	
	:	
v.	:	
	:	Docket No. IBIA 02-43-A
	:	
WESTERN REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	June 5, 2002

The San Carlos Apache Tribe (Tribe) sought review of a December 26, 2001, decision of the Western Regional Director, Bureau of Indian Affairs (Regional Director), disapproving certain programs which the Tribe proposed to fund from the San Carlos Water Settlement Budget. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal for lack of prosecution.

The initial information provided to the Board indicated that the Tribe intended to submit additional proposals for the use of the settlement funds. The Board requested information concerning the status of any additional proposals which the Tribe might have submitted. The Board received a response from the Regional Director on February 15, 2002. The Tribe did not file a response, but instead requested an extension of time for responding. That request for an extension of time, plus a second request, were granted, making the Tribe's response due on or before March 15, 2002. When it did not receive a response from the Tribe, the Board issued an order to show cause why this appeal should not be dismissed for lack of prosecution and informed the Tribe that failure to respond to the order would result in the dismissal of its appeal. The Tribe's response to that order was due on or before May 17, 2002. No response has been received.

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 appeal from the Western Regional Director's December 26, 2001, decision is dismissed for lack of prosecution.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge