



INTERIOR BOARD OF INDIAN APPEALS

Charlene W. Delaunay v. Rocky Mountain Regional Director, Bureau of Indian Affairs

38 IBIA 69 (08/14/2002)



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

CHARLENE W. DELAUNAY,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 02-142-A
ROCKY MOUNTAIN REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	August 14, 2002

On August 12, 2002, the Board of Indian Appeals (Board) received a notice of appeal from Charlene W. Delaunay (Appellant). Appellant seeks enforcement of a July 9, 2002, decision issued by the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director), concerning the leasing of Allotment No. 1122 on the Wind River Reservation. The Regional Director's decision states at page 5:

Within three days of receipt of this decision, the Superintendent shall grant the lease on Allotment No. 1122 to [Appellant] for the terms and compensation [Appellant] offered in [Appellant's] bid or allow [another bidder] to fully match [Appellant's] bid, including the improvements [Appellant] offered. If he chooses to offer [the other bidder] the opportunity to match [Appellant's] bid, payment in full must be received from [the other bidder] within seven days of that offer. The lease to [the other bidder] shall not be approved until payment is received. If [the other bidder] is unwilling to match the offer or does not submit payment within the specified time, the Superintendent shall grant the lease to [Appellant] immediately. * * *

Regardless of which option the Superintendent chooses, he shall provide the notice to [Appellant] or the offer to [the other bidder] in writing, and provide a copy of that written notice of offer to this office.

In her notice of appeal, which is dated August 7, 2002, Appellant alleges that she has not received any form of notification of what action the Superintendent has taken. She asks that she be granted the lease as the high bidder.

Although it doubts that the Regional Director intended for the Superintendent to provide notice of his action only to the party involved and to the Regional Director, the Board finds that the Regional Director's notice requirement can be read that way. Thus, it is possible that the Superintendent has taken action to allow the other bidder to match Appellant's bid, and has just not notified Appellant of that fact.

It is also possible that the Superintendent has taken action since the date of Appellant's notice of appeal.

In any event, Appellant seeks enforcement of the Regional Director's decision. The Board can either affirm or reverse the Regional Director's decision, but it has no way to enforce that decision. Appellant must seek this relief from the Regional Director.

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 Regional Director's July 9, 2002, decision is docketed but dismissed because the Board lacks authority to grant the relief requested. Appellant should contact the Regional Director with her concerns.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge