



INTERIOR BOARD OF INDIAN APPEALS

Yakama Nation Credit Enterprise v. Acting Northwest Regional Director,
Bureau of Indian Affairs

39 IBIA 156 (10/07/2003)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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SUITE 300
ARLINGTON, VA 22203

YAKAMA NATION CREDIT ENTERPRISE,	:	Order Docketing and Dismissing
Appellant	:	Appeal Without Prejudice
	:	
v.	:	
	:	
ACTING NORTHWEST REGIONAL	:	Docket No. IBIA 03-87-A
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	October 7, 2003

Appellant Yakama Nation Credit Enterprise sought review of a March 18, 2003, decision of the Acting Northwest Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director denied a request to place holds on the Individual Indian Money (IIM) accounts of over 1,000 individuals. Appellant sought the holds to obtain repayment of alleged delinquent debts owed to it by the individuals involved. For the reasons discussed below, the Board of Indian Appeals (Board) docketed this appeal, but dismisses it without prejudice to Appellant's filing of additional appeals in regard to its requests for holds on the IIM accounts of specific individuals.

Appellant and the Regional Director have been engaged in negotiations aimed at establishing a procedure for processing Appellant's requests for holds. On September 2, 2003, the Board received a Stipulated Settlement of Claims signed by all of the parties. The Board gave Appellant an opportunity to state whether this settlement was conclusive of all of the issues in its appeal. The Board indicated that its inquiry was directed at the question of whether this appeal could be dismissed.

The Board received Appellant's response on October 2, 2003. Appellant suggested that the Board "retain[] this matter for a reasonable period of time until the parties have had an opportunity to report on implementation of the Settlement." Sept. 30, 2003, Report at 1.

The Board has every confidence that the parties will follow the terms of the settlement agreement in processing Appellant's requests for holds. However, as the Board noted in an earlier order, Appellant must be cognizant of the fact that its submission of so many requests for holds will tax BIA's resources and it must, therefore, be willing to work with BIA and allow it the time necessary to process each request. Each IIM account holder has due process rights which must be protected.

Alternatively, Appellant requested that this appeal be dismissed without prejudice. The Board believes that this is the better course of action here. This appeal provided the parties the opportunity to establish the process that will be followed in considering Appellant's requests for holds. If there is need for any further Board consideration of Appellant's requests, that consideration can best be given in the context of an appeal in regard to a specific individual.

Appellant also requested "the opportunity to apply for an award of fees and costs under applicable law." Sept. 30, 2003, Report at 1. If Appellant files such an application, it will be considered.

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 Acting Regional Director's March 18, 2003, decision is docketed but dismissed on the basis of the settlement reached between the parties. This dismissal is without prejudice to Appellant's filing of additional appeals in regard to its requests for holds on the IIM accounts of specific individuals.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Kathleen R. Supernaw
Acting Administrative Judge