



INTERIOR BOARD OF INDIAN APPEALS

Nazlini Community School, Inc. v.  
Director, Office of Indian Education, Bureau of Indian Affairs

39 IBIA 233 (02/19/2004)



# 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

NAZLINI COMMUNITY	:	Order Docketing and Dismissing
SCHOOL, INC.,	:	Appeal
Appellant	:	
	:	
v.	:	
	:	
DIRECTOR, OFFICE OF INDIAN	:	Docket No. IBIA 04-56-A
EDUCATION PROGRAMS, BUREAU	:	
OF INDIAN AFFAIRS,	:	
Appellee	:	February 19, 2004

On February 17, 2004, the Board of Indian Appeals (Board) received a motion from Nazlini Community School, Inc. (Appellant) for the Board to assume jurisdiction over this appeal. Appellant previously filed a Notice of Appeal with the Assistant Secretary - Indian Affairs (Assistant Secretary), seeking review of an October 6, 2003, decision of the Director, Office of Indian Education Programs, Bureau of Indian Affairs. Appellant contends that the Assistant Secretary failed to make a decision on the appeal within 60 days after the time for pleadings had expired, and moves the Board to assume jurisdiction, pursuant to 25 C.F.R. § 2.20(e). For the reasons stated in Borrego Pass Community School, Inc. v. Director, Office of Indian Education Programs, 39 IBIA 231 (2004), decided today, the Board lacks jurisdiction over this appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed this appeal but dismisses it for lack of jurisdiction.

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Kathleen R. Supernaw  
Acting Administrative Judge