



INTERIOR BOARD OF INDIAN APPEALS

Joe H. Schmitges and Tiffany A. Schmitges v. Skull Valley Band of Goshute Indians

41 IBIA 138 (07/21/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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JOE H. SCHMITGES and	:	Order Docketing and Dismissing
TIFFINY A. SCHMITGES,	:	Appeal
Appellants,	:	
	:	
v.	:	Docket No. IBIA 05-82-A
	:	
SKULL VALLEY BAND OF GOSHUTE	:	
INDIANS OF UTAH,	:	
Appellee.	:	July 21, 2005

On July 20, 2005, the Board received a letter from Joe H. Schmitges and Tiffany A. Schmitges (Appellants), seeking to appeal the failure of the Skull Valley Band of Goshute Indians (Tribe) to take action on a request they submitted to the Tribe to enroll one of their daughters as a member. Appellants assert that “[s]ince she meets the entire enrollment ordinance, and has yet to be enrolled, we have the right to ‘appeal’ through the Bureau of Indian Affairs, pursuant to 25 C.F.R. part 62. 1-12.”

This appeal appears to concern an internal dispute between Appellants and the Tribe. The Board is not a court of general jurisdiction, and only has authority that has been delegated to it by the Secretary of the Interior. That authority does not include general authority to review action or inaction by tribal officials. See Welmas v. Sacramento Area Director, 24 IBIA 264, 268 (1993). Moreover, the Board does not have jurisdiction over appeals brought under 25 C.F.R. Part 62. Cahto Tribe of the Laytonville Rancheria v. Pacific Regional Director, 38 IBIA 244, 247 (2002).

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.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Anita Vogt
Senior Administrative Judge