



INTERIOR BOARD OF INDIAN APPEALS

Eunice Elsie Little Sky v. Principal Deputy Assistant Secretary - Indian Affairs

41 IBIA 282 (10/17/2005)



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

EUNICE ELSIE LITTLE SKY,
Appellant,

v.

PRINCIPAL DEPUTY ASSISTANT
SECRETARY - INDIAN AFFAIRS,
Appellee.

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 06-5-A
:
: October 17, 2005

On October 3, 2005, the Board of Indian Appeals (Board) received a notice of appeal and statement of reasons from Eunice Elsie Little Sky (Appellant). Appellant seeks review of a December 17, 2003, decision of the Principal Deputy Assistant Secretary - Indian Affairs, denying her application for enrollment as lineal descendant of the Sisseton and Wahpeton Mississippi Sioux Tribe, to share in the distribution of the Sisseton-Wahpeton Sioux judgment funds under the provisions of the Act of Oct. 25, 1972, 86 Stat. 1168, amended by Act of Nov. 13, 1998, 112 Stat. 3471. The decision of the Principal Deputy Assistant Secretary stated that it was final for the Department. 1/

Under 25 C.F.R. Part 62, enrollment appeals are within the jurisdiction of the Assistant Secretary - Indian Affairs, and not the Board. See 25 C.F.R. Part 62; Walsh v. Acting Eastern Area Director, 30 IBIA 180 (1997), and cases cited therein; 43 C.F.R. § 4.330(b) (Board does not have jurisdiction over tribal enrollment disputes). The regulations applicable to preparation of the roll for Sisseton and Wahpeton Mississippi Sioux Tribe judgments funds, 25 C.F.R. § 61.4(s), expressly incorporate the appeals procedures of Part 62. Therefore, the Board lacks jurisdiction.

1/ Appellant contends that she did not receive the Dec. 17, 2003 decision until, in response to an inquiry, it was provided to her by letter dated Aug. 29, 2005, from the Deputy Bureau Director - Tribal Services, Bureau of Indian Affairs.

