



INTERIOR BOARD OF INDIAN APPEALS

Comanche Nation v. Acting Southern Plains Regional Director, Bureau of Indian Affairs

43 IBIA 52 (05/10/2006)



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

COMANCHE NATION,
Appellant,

v.

ACTING SOUTHERN PLAINS
REGIONAL DIRECTOR, BUREAU
OF INDIAN AFFAIRS,
Appellee.

: Order Vacating Decision
: and Remanding
:
:
: Docket No. IBIA 06-33-A
:
:
: May 10, 2006

The Comanche Nation appealed to the Board of Indian Appeals (Board) from a November 23, 2005 decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs, which returned without action the Nation's application for a Federal charter of incorporation, after concluding that the charter could not be approved as submitted. Regional Director's Decision at 4. In its opening brief to the Board, Appellant requested "an order compelling the Regional Director to forward the Nation's request for [a] federal charter without further delay to the appropriate Department official for further consideration." Opening Brief at 4.

On April 26, 2006, after Appellant had filed its opening brief, the Board received from the Regional Director a request,

that the Board remand this matter to him so that he may forward the Comanche Nation's application for a Federal charter to the Assistant Secretary of Indian Affairs. The Regional Director recommends the Assistant Secretary waive the regulatory requirement [in 25 C.F.R. Parts 81 and 82] for popular petitions and consider the merits of the Comanche Nation's request for a Federal corporate charter.

Appellee's Request for Remand at 2. 1/

1/ In his decision, the Regional Director concluded that "compliance with the procedural [and] substantive provisions of 25 C.F.R. Part 81 or 82 is a condition precedent to" issuance of a Federal charter of incorporation under the Oklahoma Indian Welfare Act, 25 U.S.C. § 503. Regional Director's Decision at 3.

The Board contacted counsel for Appellant to determine whether Appellant wished to respond to the Regional Director's request, and was informed that Appellant has no objection to the remand request.

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 vacates the Regional Director's November 23, 2005 decision and remands the matter to the Regional Director. The Regional Director shall promptly forward the Nation's application to the Assistant Secretary - Indian Affairs for consideration on the merits.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Amy B. Sosin
Acting Administrative Judge