



## INTERIOR BOARD OF INDIAN APPEALS

Kickapoo Tribe of Oklahoma v. Acting Southern Plains Regional Director,  
Bureau of Indian Affairs

45 IBIA 117 (07/17/2007)



# 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

KICKAPOO TRIBE OF OKLAHOMA,	)	Order Dismissing Appeal
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 06-15-A
ACTING SOUTHERN PLAINS	)	
REGIONAL DIRECTOR,	)	
BUREAU OF INDIAN AFFAIRS,	)	
Appellee.	)	July 17, 2007

The Kickapoo Tribe of Oklahoma (Tribe) appealed to the Board of Indian Appeals (Board) from a September 23, 2005, decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA). The Regional Director declined a request from the Tribe to place a hold on the Individual Indian Money (IIM) accounts of six named individuals, based on possible double payment or ineligibility for per capita payments.<sup>1</sup> We dismiss the appeal for failure to prosecute.

This appeal was stayed and referred to the Department's Office of Collaborative Action and Dispute Resolution for an alternative dispute resolution assessment, after which the parties engaged in direct discussions concerning possible settlement. On April 17, 2007, the Board issued an order for a statement from the Tribe regarding further proceedings, and specifically whether the stay should be continued. The Board's order stated that "*[f]ailure by the Tribe to respond to this order may result in summary dismissal of its appeal without further notice.*" April 17, 2007, Order at 2. The Board gave the Tribe until May 31, 2007, to respond.

The Board has received no response from the Tribe.

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<sup>1</sup> The six individuals are Lavi Trevino, Thomasita Suke Trevino, Sherman Johnson, Kemeheah, Lawana Gail Walley, and Tara Labelle White.

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 dismisses this appeal for failure to prosecute.<sup>2</sup>

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
// original signed  
Debora G. Luther  
Administrative Judge

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<sup>2</sup> To the extent that the Regional Director's decision was based on a finding that the Tribe had not submitted sufficient information to support its request with respect to one or more of the subject individuals, our dismissal does not preclude BIA from considering a new request from the Tribe based on new or additional information.