



INTERIOR BOARD OF INDIAN APPEALS

Verda Jean Sanders v. Eastern Oklahoma Regional Tribal Government Officer,
Bureau of Indian Affairs

45 IBIA 222 (08/31/2007)

Related Board case:
50 IBIA 307



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ARLINGTON, VA 22203

VERDA JEAN SANDERS,)	Order Docketing and Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 07-124-A
EASTERN OKLAHOMA REGIONAL)	
TRIBAL GOVERNMENT)	
OFFICER, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	August 31, 2007

On August 27, 2007, the Board of Indian Appeals (Board) received from Appellant Verda Jean Sanders a copy of a decision dated August 22, 2006, from the Eastern Oklahoma Regional Tribal Government Officer, Bureau of Indian Affairs (RTGO; BIA), that informed Appellant that a Certificate of Degree of Cherokee Indian Blood could not be issued to her. Several handwritten comments appear on the decision that express disagreement with certain findings made by BIA. We construe the handwritten comments as an appeal by Appellant from the August 22, 2006, decision and we dismiss the appeal for lack of jurisdiction.

Appellant apparently contends that one of her ancestors is Ella (Smallwood) Daniels Whitmire, an enrolled Cherokee Indian to whom Appellant claims to be related through Whitmire's daughter, Rittie Bell Washington. Appellant also contends that Whitmire was known as Ella Tiger and Appellant submits a death certificate that shows Tiger's year of death as 1966. According to the RTGO, the enrollment census card for Whitmire does not list Washington as one of Whitmire's children and also shows that Whitmire died in 1931. In addition, the RTGO could not otherwise establish that Ella Tiger and Ella Whitmire were one and the same person. For these reasons, the RTGO declined to issue a Certificate of Degree of Indian Blood to Appellant and informed her that she could appeal the decision to the Eastern Oklahoma Regional Director (Regional Director). According to both BIA and Appellant, Appellant has appealed to the Regional Director who has not yet rendered a decision.

The Board does not have jurisdiction to review decisions concerning tribal enrollment or determinations as to certificates of Indian blood degrees. *See* 43 C.F.R. §§ 4.330(b)(1), 4.331(c); 25 C.F.R. Part 62; *Grosvenor v. Sacramento Area Director*, 22 IBIA 193 (1992). Where BIA bears some responsibility for tribal enrollment pursuant to act of Congress or tribal resolution or constitution, BIA's role is governed by 25 C.F.R. Part 62. Notably, Part 62 defines an "adverse enrollment action" to include adverse decisions concerning certificates of degree of Indian blood. 25 C.F.R. § 62.4; *Martin v. Acting Eastern Oklahoma Regional Director*, 36 IBIA 69, 71 (2001). Part 62 also provides a procedure for appeals from BIA's decisions concerning tribal enrollment and certificates of Indian blood that does not include a right of appeal to the Board. *See* 25 C.F.R. §§ 62.4-62.12.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the RTGO's August 22, 2006, decision is docketed but dismissed for lack of jurisdiction.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge