



INTERIOR BOARD OF INDIAN APPEALS

Chadd Everone and Velma WhiteBear v. Pacific Regional Director,
Bureau of Indian Affairs

46 IBIA 249 (02/11/2008)

Related Board case:

53 IBIA 51

51 IBIA 103

47 IBIA 91



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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CHADD EVERONE and VELMA)	Order Dismissing Appeal
WHITEBEAR,)	
Appellants,)	
)	
v.)	Docket No. IBIA 06-70-A
)	
PACIFIC REGIONAL DIRECTOR,)	
BUREAU OF INDIAN AFFAIRS,)	
Appellee.)	February 11, 2008

Chadd Everone and Velma WhiteBear (Appellants)¹ filed an appeal with the Board of Indian Appeals (Board), objecting to a January 6, 2006, letter from the Pacific Regional Director, Bureau of Indian Affairs (Regional Director; BIA), addressed to “Ms. Silvia Burley c/o California Valley Miwok Tribe.” In the letter, the Regional Director asked Burley to resubmit a Public Law No. 93-638 contract proposal for Fiscal Year 2006 to the Central California Agency Superintendent (Superintendent), and informed her that the Regional Director had instructed the Superintendent to accept the proposal.

On January 28, 2008, the Board received from Appellants a withdrawal of their appeal. Appellants explain the withdrawal by stating that a letter issued by the Superintendent, dated December 14, 2007, accomplished their original objectives in filing this appeal.

¹ Everone signed the appeal as “Deputy” of the California Valley Miwok Tribe (Tribe), and WhiteBear signed it as “Executive Director” of the Tribe. The Board understood the appeal as having been filed by Everone and WhiteBear as appellants, and captioned the case accordingly, while noting that the notice of appeal also had identified the Tribe, Yakima Dixie, and a “Putative Member Class” as appellants. Appellants subsequently disclaimed an intent to file as individual appellants, stating that they intended to bring the appeal on behalf of (and to represent) the Tribe, Dixie, and the “Putative Member Class.” Because the appeal is being withdrawn, we retain the Board’s original caption, and we need not address the authority of Everone and WhiteBear to represent the Tribe, Dixie, or the referenced class.

Appellants also filed a separate request to substitute the docketing order of this appeal with a subsequent appeal that was filed by the Tribe through Burley, which is pending before the Board in *California Valley Miwok Tribe v. Pacific Regional Director*, Docket No. IBIA 07-100-A. Appellants state that the withdrawal of their appeal is not contingent upon the Board granting this request, which in effect asks the Board to expedite *California Valley Miwok Tribe* by taking it under consideration when Appellants' (older) appeal would otherwise have come up for consideration.

The Board denies Appellants' request to assign *California Valley Miwok Tribe* the docketing order of prioritization that would have been given to this appeal. Motions to expedite the Tribe's appeal may be separately filed in that proceeding, and will be considered on the merits.²

Therefore, upon the filing of a withdrawal of this appeal by Appellants, and 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.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Charles E. Breece
Acting Administrative Judge

² Appellants previously sought to have this appeal consolidated with *California Valley Miwok Tribe*. The Board denied that request. *See* Order Denying Motion for Joinder, June 12, 2007.