



INTERIOR BOARD OF INDIAN APPEALS

Gary Frederick v. Acting Great Plains Regional Director, Bureau of Indian Affairs

47 IBIA 85 (05/29/2008)



United States Department of the Interior

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

GARY FREDERICK,)	Order Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 08-35-A
ACTING GREAT PLAINS REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	May 29, 2008

Gary Frederick (Appellant) appealed to the Board of Indian Appeals (Board) from a November 26, 2007, decision of the Acting Great Plains Regional Director, Bureau of Indian Affairs (Regional Director), dismissing Appellant's appeal of a May 1, 2007, decision of the Cheyenne River Agency Superintendent (Superintendent). The Superintendent's decision directed Appellant not to remove any fencing, water tanks, or water gaps from Range Unit 381-A on the Cheyenne River Reservation.¹ Appellant claimed that he should have been granted ownership in those range improvements, but the Regional Director dismissed Appellant's appeal because Appellant had failed to produce any evidence to support his claim. Appellant then appealed to the Board from the Regional Director's decision.

On May 27, 2008, after briefing was concluded, the Board received from Appellant, through counsel, a "Dismissal of Appeal," which the Board construes as Appellant's withdrawal of his appeal.

¹ Appellant was issued a 5-year grazing permit for Range Unit 381-A in February of 2004. In his May 1, 2007, decision, the Superintendent found that certain corral components that had been removed by Appellant from the range unit — the gates, panels, and head gate — were the property of Appellant and could properly be removed.

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.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge