



## INTERIOR BOARD OF INDIAN APPEALS

Arthur E. Fisher v. Acting Director, Bureau of Indian Education; and  
American Indian Graduate Center

50 IBIA 309 (11/03/2009)



# 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

ARTHUR E. FISHER,	)	Order Docketing and Dismissing Appeal
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 10-007
ACTING DIRECTOR, BUREAU OF	)	
INDIAN EDUCATION; AND	)	
AMERICAN INDIAN GRADUATE	)	
CENTER,	)	
Appellees.	)	November 3, 2009

Arthur E. Fisher (Appellant) appeals to the Board of Indian Appeals (Board) from the alleged inaction by the Bureau of Indian Education (BIE) to respond to Appellant’s inquiry concerning funding for his graduate education studies under the Special Higher Education Grant Program (SHEP). According to Appellant, SHEP grants are administered by the American Indian Graduate Center (AIGC) in Albuquerque, New Mexico. Appellant also appeals from the denial of his grant application to AIGC, based on a letter he received from AIGC that informed him “that he was ineligible for funding because he was pursuing a ‘terminal degree.’” Notice of Appeal at 2. We docket this appeal, but dismiss it for lack of jurisdiction because the Board lacks authority to review the actions or inactions of either BIE or AIGC.

The Board’s jurisdiction is limited and is specific. For example, as a general matter, the Board is authorized to review decisions by “[a Regional] Director or a Deputy to the Assistant Secretary – Indian Affairs . . . .” 25 C.F.R. § 2.4(e); *see also* 43 C.F.R. § 4.330(a). The Board expressly is not authorized to review decisions, including inaction, by the Director (Indian Education Programs). 25 C.F.R. § 2.4(e).<sup>1</sup>

---

<sup>1</sup> In 2006, the Office of Indian Education Programs became the Bureau of Indian Education. *See* 130 DM 8 (Aug. 29, 2006). The head of BIE is the Director, *id.* 8.1, replacing the former Director (Indian Education Programs) position identified in 25 C.F.R. § 2.4.

In addition, the Board lacks authority to review decisions by AIGC, which, according to its website, [www.aigc.com](http://www.aigc.com), is a private corporation dedicated to promoting education and leadership among American Indian and Alaska Native students. Part of AIGC's mission appears to be the administration of various scholarships, grants, and fellowships from a number of private sources. The Board is not a court of general jurisdiction, *Iron Eyes v. Acting Great Plains Regional Director*, 49 IBIA 64, 70 n.6 (2009), and has no authority to review the decisions of private corporations even if, as alleged by Appellant, they receive or administer Federal funding.

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 is docketed but dismissed for lack of subject matter jurisdiction.

I concur:

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

\_\_\_\_\_  
// original signed  
Steven K. Linscheid  
Chief Administrative Judge