



INTERIOR BOARD OF INDIAN APPEALS

Kathryn Bateman Froelich v. Acting Great Plains Regional Director,
Bureau of Indian Affairs

51 IBIA 173 (03/30/2010)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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KATHRYN BATEMAN FROELICH,)	Order Vacating Decision and Remanding
Appellant,)	Matter for Further Consideration
)	
v.)	
)	Docket No. IBIA 10-025
ACTING GREAT PLAINS REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	March 30, 2010

Kathryn Bateman Froelich (Appellant) appealed to the Board of Indian Appeals (Board) from a May 22, 2009, decision of the Acting Great Plains Regional Director (Regional Director), Bureau of Indian Affairs (BIA), concerning the ownership of sand and gravel resources on Fort Berthold Allotment No. 1746-A. The Regional Director determined that Ethan Hall, as the surface owner of Allotment No. 1746-A, owned the sand and gravel resources and not Appellant, who owns oil, gas and other minerals on the allotment.

On March 1, 2010, the Board received a motion from the Regional Director requesting that this matter be remanded to BIA because BIA “wishes to give further consideration to the [Regional Director’s May 22, 2009] decision” As we have held previously, BIA need not justify a remand request. *See Roberts County v. Acting Great Plains Regional Director*, 48 IBIA 304, 306 (2009) (citing *United Keetoowah Band of Cherokee Indians v. Eastern Oklahoma Regional Director*, 47 IBIA 87, 89 (2008)). We therefore grant the motion, vacate the Regional Director’s May 22, 2009, decision, and remand the matter to him for further consideration and a new decision.

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 Regional Director’s May 22, 2009, decision

is vacated, and this matter is remanded to him for further consideration and issuance of a new decision.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge