



INTERIOR BOARD OF INDIAN APPEALS

Mattie Wines v. Eastern Nevada Tribal Social Services, Bureau of Indian Affairs

6 IBIA 1 (01/24/1977)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

Social Services

Jan 10, 1977

Mrs. Mattie Wines
P.O. Box 59
Owyhee, Nevada 89832

Dear Mrs. Wines:

This refers to your appeal to the Commissioner of Indian Affairs concerning the decrease in your general assistance payment as determined by the Eastern Nevada Tribal Social Services Program.

We have reviewed the information and related documentation regarding your appeal. We regret very much the excessively long length of time required to complete this review and offer our apology to you for any inconvenience this delay may have caused you.

The specific section of the Bureau's manual which cites the method by which your payment was computed is contained in 66 IAM 3.1.7A.

"The State Public Assistance standard governing basic consumption and special need items with their corresponding money amounts which is currently in effect in the State where an Indian general assistance applicant lives will be the basis for exploration and assessment of his need. If the State's assistance standard provides for differences in the several categories of public assistance, the standard for the category which most closely resembles the applicant's individual or family situation should be applied.

. . . The established money accounts or methods for determining the cost of items specified in the State standard shall be applied in the determination, unless a need item is available without cost or is inapplicable to the individual or family."

In accordance with the above, your general assistance payments should have been computed using Nevada State standards for the aged rather than State standards related to aid for dependent children. We concur, therefore, with your contention that your general assistance payment was inappropriately

2.

reduced and we uphold your appeal. We are returning your appeal materials to this Bureau's Phoenix Area Director for further consideration of your payment retroactive to May 1976.

Our upholding of your appeal is based upon the exercise of discretionary authority by the Commissioner of Indian Affairs. As such, our decision is final for the Department of the Interior.

Sincerely yours,

//original signed
Commissioner of Indian Affairs