



INTERIOR BOARD OF INDIAN APPEALS

American Indian Center (Community Action for the Urbanized American Indian, Inc.)
v. Sacramento Area Director, Bureau of Indian Affairs

11 IBIA 308 (09/19/1983)



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American Indian Center v. Sacramento Area Director, Bureau of Indian Affairs

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United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

AMERICAN INDIAN CENTER	:	Order Dismissing Appeal
(COMMUNITY ACTION FOR	:	
THE URBANIZED AMERICAN	:	
INDIAN, INC.)	:	
	:	Docket No. IBIA 83-42-A
v.	:	
	:	
SACRAMENTO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS	:	September 19, 1983

On August 8, 1983, the Board of Indian Appeals (Board) received a notice of appeal from the American Indian Center, operated by Community Action for the Urbanized American Indian, Inc. (appellant), seeking review of a decision rendered by the Sacramento Area Director, Bureau of Indian Affairs (BIA). The decision reduced appellant's funding level for fiscal year 1983 under the Indian Child Welfare Act, 25 U.S.C. §§ 1931-1934 (Supp. II 1978). Appellant sought review by the Board on the grounds that its appeal to the Commissioner of Indian Affairs had been pending more than 30 days without decision, in violation of 25 CFR 2.19.

By order dated August 9, 1983, the Board made a preliminary determination that it had jurisdiction over this case. The Board, therefore, requested BIA to assemble the administrative record in this case for transmittal to the Board.

On September 14, 1983, the Board received a letter from appellant seeking to withdraw the appeal. The letter states: "After careful deliberation, our agency has now decided to withdraw this appeal in favor of the BIA central office review results, of which we were notified in a June 4, 1983 letter from Theodore C. Krenzke, Acting Deputy Assistant Secretary for Indian Affairs (Operations)." The letter does not state when appellant received the June 4 letter.

In view of the fact that appellant is no longer contesting the action taken by BIA in regard to its Indian Child Welfare Act grant application, the Board finds that the appeal is moot. Appellant's letter, which will be treated as a motion to dismiss, is granted.

The BIA is advised that it need not complete the process of preparing the administrative record for transmittal to the Board.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed.

//original signed
Wm. Philip Horton
Chi Administrative Judge

//original signed
Franklin D. Arness
Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge