



INTERIOR BOARD OF INDIAN APPEALS

Fred Porter v. Aberdeen Area Director, Bureau of Indian Affairs

14 IBIA 1 (01/14/1986)

Related Board case:
14 IBIA 251



United States Department of the Interior

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

FRED PORTER,	:	Order Docketing Appeal and Referring
Appellant	:	it for Evidentiary Hearing and
	:	Recommended Decision
v.	:	
	:	
AREA DIRECTOR, ABERDEEN AREA	:	Docket No. IBIA 86-23-A
OFFICE, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	January 14, 1986

On January 8, 1986, the Board of Indian Appeals (Board) received the administrative record in the above case on referral from the Acting Deputy Assistant Secretary--Indian Affairs (Operations). Appellant Fred Porter had filed an appeal with the Deputy Assistant Secretary seeking review of a March 1, 1985, decision of the Aberdeen Area Director, Bureau of Indian Affairs (BIA), pertaining to the leasing by the Superintendent of the Winnebago Agency, Bureau of Indian Affairs, of the Charles Porter allotment No. 24-0, in which appellant holds an interest. The Acting Deputy Assistant Secretary suggested that the appeal requires an evidentiary hearing because of the many factual questions raised.

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter.

Procedural regulations governing proceedings before the Board are found in 43 CFR Part 4, Subpart D. A copy of these regulations is enclosed for the known non-Governmental parties.

After reviewing the record, the Board has determined to refer this appeal to the Hearings Division (Departmental) of this Office for a hearing and recommended decision by an Administrative Law Judge (Departmental) to resolve the questions of fact and law involved. The hearing shall be conducted in full compliance with the administrative due process standards generally applicable to other hearings proceedings conducted by Administrative Law Judges of the Hearings Division (Departmental). The present administrative record may be considered as part of the evidentiary record in the hearing.

Pending the completion of this hearing and the issuance of the recommended decision, further procedures will be established by the Administrative Law Judge assigned to this case.

Therefore, it is ordered that this case is referred to the Hearings Division (Departmental) for assignment to an Administrative Law Judge who shall conduct a hearing and recommend a decision to the Board. As provided in 43 CFR 4.339, any party may file exceptions or other comments with the Board within 30 days from receipt of the recommended decision. The Board will then inform the parties of any further procedures in the appeal or issue a final decision.

//original signed
Bernard V. Parrette
Chief Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge