



INTERIOR BOARD OF INDIAN APPEALS

Frank Gamble v. Acting Assistant Secretary - Indian Affairs

15 IBIA 129 (03/09/1987)



# United States Department of the Interior

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

FRANK GAMBLE,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 87-24-A
ACTING ASSISTANT SECRETARY--	:	
INDIAN AFFAIRS,	:	
Appellee	:	March 9, 1987

On March 2, 1987, the Board of Indian Appeals (Board) received a notice of appeal from Frank Gamble (appellant). Appellant seeks review of a January 12, 1987, decision issued by the Acting Assistant Secretary--Indian Affairs. The Acting Assistant Secretary's decision affirmed a decision of the Portland Area Director, Bureau of Indian Affairs, increasing the rent on Lease No. 8548 of Yakima Allotment No. 1800.

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

A copy of the January 12, 1987, decision was attached to the notice of appeal. The decision was signed by the Acting Assistant Secretary--Indian Affairs and states that it is final for the Department. Decisions of the Acting Assistant Secretary are equivalent to decisions rendered by the Assistant Secretary. See Ute Mountain Ute Tribe v. Acting Assistant Secretary for Indian Affairs, 11 IBIA 168, 90 I.D. 169 (1983). Because the Assistant Secretary has the authority to issue decisions final for the Department, the Board does not have general review authority over such decisions, except as they are specially referred to it on a case-by-case basis or through rulemaking. See, e.g., Pueblo of Laguna v. Assistant Secretary for Indian Affairs, 12 IBIA 80, 90 I.D. 521 (1983); 25 CFR 13.15. This matter has not been so referred to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Acting Assistant Secretary's January 12, 1987, decision is dismissed.

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//original signed  
Anita Vogt  
Acting Chief Administrative Judge

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//original signed  
Kathryn A. Lynn  
Administrative Judge