



INTERIOR BOARD OF INDIAN APPEALS

Cahuilla Band of Indians v. Assistant Secretary - Indian Affairs

16 IBIA 23 (12/08/1987)



United States Department of the Interior

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

CAHUILLA BAND OF INDIANS,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 88-11-A
ASSISTANT SECRETARY--INDIAN	:	
AFFAIRS,	:	
Appellee	:	December 9, 1987

On December 7, 1987, the Board of Indian Appeals (Board) received a notice of appeal from the Cahuilla Band of Indians (appellant), through counsel, Eugene Madrigal, Esq. Appellant seeks review of an October 6, 1987 decision of the Assistant Secretary--Indian Affairs concerning its request that roads maintained by the Bureau of Indian Affairs on its reservation be closed to public access and use.

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 Assistant Secretary's October 6, 1987 decision was attached to the notice of appeal. Although the decision does not state whether or not it is final for the Department, as is required by 25 CFR 2.19, 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 Assistant Secretary's October 6, 1987 decision is dismissed.

//original signed
Kathryn A. Lynn
Acting Chief Administrative Judge

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Anita Vogt
Administrative Judge