



INTERIOR BOARD OF INDIAN APPEALS

Patrick Geary v. Aberdeen Area Director, Bureau of Indian Affairs

17 IBIA 8 (10/18/1988)



# United States Department of the Interior

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

PATRICK GEARY,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 88-19-A
AREA DIRECTOR, ABERDEEN AREA	:	
OFFICE, BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 18, 1988

On March 14, 1988, the Board of Indian Appeals (Board) received a motion from appellant Patrick Geary asking it to assume jurisdiction over an appeal filed with the Central Office of the Bureau of Indian Affairs (BIA) pursuant to 25 CFR 2.19. <sup>1/</sup> Appellant sought review of the method used to compute BIA general assistance benefits for a household composed of Indians and non-Indians.

By order dated March 14, 1988, the Board made a preliminary determination that it had jurisdiction over the appeal and requested the administrative record, which was received on April 14, 1988. By order dated April 15, 1988, the Board established a briefing schedule, pursuant to which appellant filed an opening brief.

On July 21, 1988, the Board received a joint motion from the parties seeking a stay of further proceedings in this matter pending the outcome of settlement negotiations. A stay was granted on July 21, 1988.

On October 17, 1988, the Board received a joint motion asking that the appeal be dismissed with prejudice.

<sup>1/</sup> Section 2.19 states in pertinent part:

"(a) Within 30 days after all time for pleadings (including extension granted) has expired, the Commissioner of Indian Affairs [or Bureau of Indian Affairs official exercising the administrative review authority of the Commissioner] shall:

"(1) Render a written decision on the appeal, or

"(2) Refer the appeal to the Board of Indian Appeals for decision.

"(b) If no action is taken by the Commissioner within the 30-day time limit, the Board of Indian Appeals shall review and render the final decision."

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the motion is granted and this appeal is dismissed with prejudice.

\_\_\_\_\_  
//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Anita Vogt  
Administrative Judge