



INTERIOR BOARD OF INDIAN APPEALS

Navajo Nation v. Navajo Area Director, Bureau of Indian Affairs

17 IBIA 135 (05/24/1989)



United States Department of the Interior

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

NAVAJO NATION,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 89-46-A
NAVAJO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	May 24, 1989

On May 16, 1989, the Board of Indian Appeals (Board) received a notice of appeal from the Navajo Nation (appellant). Appellant sought review of a March 1, 1989, decision of the Navajo Area Director, Bureau of Indian Affairs (BIA; appellee), concerning the authority of the Canoncito Band of Navajos over lands held in trust for the use and benefit of the Band. The appeal was pending before the Washington, D.C., office of BIA on March 13, 1989, and was transferred to the Board for consideration under new regulations governing appeals from BIA administrative decisions which took effect on that day. 54 FR 6478 (Feb. 10, 1989). The Board issued a pre-docketing notice on May 18, 1989, informing the parties that the appeal was before it.

On May 22, 1989, the Board received a copy of a notice of withdrawal of appeal from appellant. The original of the notice, which was dated May 18, 1989, was sent to the Acting Assistant Secretary - Indian Affairs. It is evident from the dates involved that appellant could not have received the Board's pre-docketing notice, and so was not aware that its appeal had been transferred.

Appellant's notice of withdrawal states that appellee clarified his March 1, 1989, decision in a letter dated May 10, 1989. That letter states that recognition of the authority of the Canoncito Band related to the authority of a landowner, and was "not a recognition of a separate, governmental, autonomous authority of the Canoncito Band of Navajos." Letter at 1.

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 March 1, 1989, decision of the Navajo Area Director is dismissed at the appellant's request.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge