



INTERIOR BOARD OF INDIAN APPEALS

Clara Nomee v. Billings Area Director, Bureau of Indian Affairs

18 IBIA 366 (07/13/1990)



United States Department of the Interior

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

CLARA NOMEЕ,	:	Order Dismissing Appeal as Moot
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 90-76-A
ACTING BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	July 13, 1990

This is an appeal from a March 28, 1990, decision of the Acting Billings Area Director, Bureau of Indian Affairs, authorizing a drawdown of Crow tribal funds in the amount of \$83,860.21, pursuant to a request of the then Chairman of the Crow Tribe, Richard Real Bird.

On May 30, 1990, the Board placed the Acting Area Director's decision into immediate effect under 43 CFR 4.21 (a) and 4.314(a). The Board took this step pursuant to a May 11, 1990, request from the Assistant Secretary - Indian Affairs, who stated that he believed appellant's rights and interests would be adequately protected in two similar appeals in Docket Nos. IBIA 90-56-A and 90-62-A and that "the Tribe's interest in restoring a regular flow of properly accounted tribal funds outweighed the appellant's interests in having all of these decisions by the Area Director stayed pending a decision on appeal." 1/

Appellant was elected Chairman of the Crow Tribe on May 12, 1990, and assumed office on July 2, 1990. On July 5, 1990, she withdrew the two drawdown requests which were the subjects of the appeals in Docket Nos. IBIA 90-56-A and 90-62-A. On July 11, 1990, at appellant's request, the Board dismissed those appeals as moot. 18 IBIA 365.

Under the circumstances described, the Board finds that this appeal is also moot.

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 Billings Area Director's March 12, 1990, decision is dismissed as moot.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ Although offered an opportunity to respond to the Assistant Secretary's request, appellant did not do so.