



INTERIOR BOARD OF INDIAN APPEALS

Rodney Conica v. Acting Assistant Aberdeen area Director, Bureau of Indian Affairs

19 IBIA 55 (11/14/1990)



United States Department of the Interior

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

RODNEY CONICA,	:	Order Vacating Acting Assistant
Appellant	:	Area Director's Decision and
	:	Remanding Case
v.	:	
	:	
ACTING ASSISTANT ABERDEEN AREA	:	Docket No. IBIA 90-129-A
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	November 14, 1990

This is an appeal from a June 13, 1990, decision of the Acting Assistant Aberdeen Area Director, Bureau of Indian Affairs, which affirmed a decision of the Superintendent, Standing Rock Agency, declining to approve the sale of a 40-acre parcel of appellant's trust land on the Standing Rock Reservation. The sale was disapproved on grounds that it was not in the best interest of appellant and his children.

The appeal was docketed on September 27, 1990. On November 13, 1990, the Board received a motion from appellee, requesting that the Board vacate his decision and remand the case in order to enable the Superintendent to reconsider his initial decision. The motion states: "The Agency has determined that it may not have considered all of the relevant criteria in exercising its discretion in this matter and hereby requests the opportunity to reevaluate and reconsider its decision."

In accordance with appellee's request and pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Acting Assistant Area Director's June 13, 1990, is vacated and this case is remanded to him for further consideration. 1/

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ If the new decision is again adverse to appellant, he may, of course, appeal again.