



INTERIOR BOARD OF INDIAN APPEALS

Dorothy Stoner, et al. v. Muskogee Area Director, Bureau of Indian Affairs

19 IBIA 277 (04/02/1991)



United States Department of the Interior

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

DOROTHY STONER, PATRICIA OLIVER, and SANDRA SLAUGHTER, Appellants	:	Order Dismissing Appeal
	:	
	:	
v.	:	Docket No. IBIA 91-51-A
	:	
MUSKOGEE AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	April 2, 1991

Appellants Dorothy Stoner, Patricia Oliver, and Sandra Slaughter seek review of a January 17, 1991, decision of the Muskogee Area Director, Bureau of Indian Affairs (Area Director), refusing to recognize the results of an election held at the January 12, 1991, meeting of the General Council of the Seneca-Cayuga Tribe of Oklahoma. By order dated February 19, 1991, the Board gave appellants an opportunity to show cause why the appeal should not be dismissed for lack of standing. In its order, the Board cited Sundberg v. Acting Sacramento Area Director, 18 IBIA 207 (1990); Frease v. Sacramento Area Director, 17 IBIA 250 (1989); and Redfield v. Acting Deputy Assistant Secretary - Indian Affairs (Operations), 9 IBIA 174, 89 I.D. 67 (1982).

The Board received appellants' response to its order on March 26, 1991. Appellants state that they signed a petition requesting the January 12 General Council meeting and that one of them was recognized as a spokesperson for the petitioners. Appellants contend that their right to petition and right for the redress of grievances, as guaranteed by the Constitution and By-Laws of the Seneca-Cayuga Tribe of Oklahoma, were directly affected by the Area Director's decision.

Appellants have not shown harm greater than that suffered by any other tribal member. Accordingly, they have failed to show cause why their appeal should not be dismissed. However, the Board notes that an appeal from the same Area Director's decision is presently pending before it as Rhatigan v. Muskogee Area Director, Docket No. IBIA 91-50-A. Appellants may seek to appear in that case as amicus curiae under the procedures set forth in 43 CFR 4.313. A copy of this regulation was included with the procedural regulations sent to appellants with the Board's February 19, 1991, order.

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 Muskogee Area Director's January 17, 1991, decision is dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge