



INTERIOR BOARD OF INDIAN APPEALS

Troy Fletcher v. Sacramento Area Director, Bureau of Indian Affairs

20 IBIA 38 (05/15/1991)



United States Department of the Interior

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

TROY FLETCHER,	:	Order Vacating Decision and
Appellant	:	Remanding Case
	:	
v.	:	
	:	Docket No. IBIA 91-70-A
SACRAMENTO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	May 15, 1991

Appellant Troy Fletcher seeks review of a March 21, 1991, decision of the Sacramento Area Director, Bureau of Indian Affairs (Area Director; BIA), denying appellant's request for certification of Indian preference for a Federal Government job. Appellant states that he is a Yurok Indian and is listed on the settlement roll under P.L. 100-580, the Hoopa-Yurok Settlement Act, and therefore is entitled to Indian preference.

The Area Director denied appellant's request for a certificate of Indian preference because the settlement act provides for an election by each person listed on the roll as to whether the individual wishes to become a member of the tribe or receive a one-time payment of \$15,000. The Area Director indicated that until the elections had been completed, no one could be certified for Indian preference.

On May 13, 1991, the Board of Indian Appeals (Board) received a letter from the Area Director requesting that this appeal be remanded to him. The Area Director stated at pages 1-2:

[Appellant is] on the settlement roll [and] has notified BIA by a notarized letter that he is electing to become a member of the Yurok Tribe. * * *

The Sacramento Area Director BIA's now established policy is that Yurok Indians who are on the settlement roll and who have elected to be on the Yurok base roll will be provided certifications of eligibility for Indian preference upon receipt of request. A remand of the Appeal of [appellant] will enable BIA to provide the certification which is the subject of the appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Sacramento Area Director's March 21, 1991, decision is vacated and this matter is remanded to him for the purpose set forth above.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge