



INTERIOR BOARD OF INDIAN APPEALS

Chadwick Smith, et al.; and Pam Thurman Jumper v. Muskogee Area Director,
Bureau of Indian Affairs

20 IBIA 67 (06/07/1991)

Denying reconsideration of:
20 IBIA 1

Related Board case:
22 IBIA 75
Reconsideration denied, 22 IBIA 172



United States Department of the Interior

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

CHADWICK SMITH, NELSON SMITH,	:	Order Denying Motion to Reinstate
JOE GRAYSON, JR., and PAM	:	Docket No. IBIA 91-59-A and
THURMAN JUMPER,	:	Granting Intervenor Status in
Appellants	:	Docket No. IBIA 91-60-A to
	:	Joe Grayson, Jr., and Pam
	:	Thurman Jumper
v.	:	
	:	
	:	Docket Nos. IBIA 91-59-A
MUSKOGEE AREA DIRECTOR,	:	IBIA 91-60-A
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 7, 1991

On June 3, 1991, the Board of Indian Appeals (Board) received a motion from appellants Chadwick Smith, Nelson Smith, Joe Grayson, Jr., and Pam Thurman Jumper seeking reconsideration of the Board's May 1, 1991, order dismissing Docket No. IBIA 91-59-A and granting intervenor status to appellant Nelson Smith in United Keetoowah Band of Cherokee Indians in Oklahoma v. Muskogee Area Director, Docket No. IBIA 91-60-A. See Smith v. Muskogee Area Director, 20 IBIA 1 (1991).

Appellants contend that Docket No. IBIA 91-59-A should not have been dismissed because they could not reasonably have been expected to know that the February 11, 1991, letter issued by the Muskogee Area Director, Bureau of Indian Affairs (Area Director), was a final, appealable decision in the matters which they had appealed to him. The Board has thoroughly reviewed appellants' arguments. The motion to reinstate Docket No. IBIA 91-59-A is denied.

Appellants next argue that intervenor status in Docket No. IBIA 91-60-A should not have been granted only to appellant Nelson Smith. The Board specifically did not conclude that the other appellants were not entitled to be intervenors. Rather, the Board stated only that they had not shown entitlement at that point. After reviewing the clarifying information appellants have presented and cited, Joe Grayson, Jr., and Pam Thurman Jumper are also granted intervenor status in Docket No. IBIA 91-60-A. Appellant Chadwick Smith has still failed to make a sufficient showing to be granted intervenor status.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellants' motion to reinstate Docket No. IBIA 91-59-A is denied. Joe Grayson, Jr., and Pam Thurman Jumper are granted intervenor status in Docket No. IBIA 91-60-A.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge