



INTERIOR BOARD OF INDIAN APPEALS

Jerry F. Norton v. Fort Hall Agency Superintendent, Bureau of Indian Affairs

20 IBIA 78 (06/11/1991)

Related Board case:
19 IBIA 276



United States Department of the Interior

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

JERRY F. NORTON,	:	Order Docketing and Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 91-95-A
FORT HALL AGENCY SUPERINTENDENT,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 11, 1991

On April 2, 1991, the Board dismissed as premature an attempted appeal by Jerry F. Norton from the alleged failure of the Superintendent, Fort Hall Agency, Bureau of Indian Affairs, to take action on his application for a loan. 19 IBIA 278. The Board advised appellant that he was required to follow the procedures in 25 CFR 2.8, concerning appeals from the inaction of a BIA official.

On June 10, 1991, the Board received a second notice of appeal from Norton, through counsel, Steven W. Shaw, Esq., Pocatello, Idaho. This notice of appeal like the, earlier one, is headed "Appeal to the Area Director." As was the case with the earlier notice, however, appellant is ambiguous as to his intended place of filing. This time, his cover letter indicates that he intended to file his notice of appeal with the Board, despite the heading on the notice itself. In order to avoid any confusion over the proper venue of this appeal, therefore, the Board must again address appellant's premature filing.

Appellant's second notice of appeal states that he is appealing the inaction of the Fort Hall Agency. It also states, however, that his loan application has now been denied by the Agency and that he is appealing the denial. Whichever is the case, his appeal to the Board is premature. If his application has been denied at the Agency level, his appeal is to the Area Director. If no action has been taken at the Agency level, he must follow the procedures in 25 CFR 2.8, as stated in the Board's order dismissing his earlier appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed without prejudice as premature.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge