



INTERIOR BOARD OF INDIAN APPEALS

Five Sandoval Indian Pueblos v. Deputy Commissioner of Indian Affairs

21 IBIA 72 (12/05/1991)

Related Board case:
21 IBIA 17



United States Department of the Interior

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

FIVE SANDOVAL INDIAN
PUEBLOS, INC.,
Appellant

v.

DEPUTY COMMISSIONER OF
INDIAN AFFAIRS,
Appellee

: Order Reinstating Decision and
: Dismissing Appeal
:
:
:
: Docket No. IBIA 91-128-A
:
:
: December 5, 1991

On October 1, 1991, the Board of Indian Appeals (Board) received a letter in the above appeal from appellant Five Sandoval Indian Pueblos, Inc. Appellant asked to withdraw its appeal from a July 29, 1991, decision of the Deputy Commissioner of Indian Affairs. The Deputy Commissioner's decision denied appellant's application for funding under the Small Tribes Program. Appellant stated that the Deputy Commissioner had informed it that it would continue to be funded.

Based upon the information before it, the Board believed the Deputy Commissioner had informed appellant that its Small Tribes Program would continue to be funded. Accordingly, on October 10, 1991, the Board vacated the Deputy Commissioner's July 29, 1991, decision, and remanded the matter to him to grant the relief requested by appellant. 21 IBIA 17.

On remand, the Deputy Commissioner reviewed appellant's grant applications. By letter dated November 26, 1991, he informed the Board that appellant had received a Training and Technical Assistance grant, rather than a Small Tribes grant. The Deputy Commissioner stated his belief that there was no further action for him to take in regard to the remanded appeal.

The Board agrees that the Deputy Commissioner need take no further action regarding appellant's Small Tribes Program grant application. However, because the Board vacated the Deputy Commissioner's July 29, 1991, denial of appellant's grant application, there is no final Departmental decision on that application.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the interior, 43 CFR 4.1, the Deputy Commissioner's July 29, 1991, denial of appellant's Small Tribes Program grant application is hereby reinstated, and appellant's appeal from that denial is dismissed at appellant's request.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge