



INTERIOR BOARD OF INDIAN APPEALS

Shirley W. Freeman v. Acting Sacramento Area Director, Bureau of Indian Affairs

22 IBIA 88 (06/09/1992)



United States Department of the Interior

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

SHIRLEY W. FREEMAN, Appellant	:	Order Docketing and Dismissing Appeal
v.	:	
ACTING SACRAMENTO AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	Docket No. IBIA 92-162-A June 9, 1992

On June 5, 1992, the Board of Indian Appeals received an envelope containing a number of documents. The documents were apparently sent to the Board by Shirley W. Freeman. No notice of appeal or other communication signed by Ms. Freeman was included. However, the envelope bore Ms. Freeman's return address and the documents in the envelope concerned her application for certification for Indian employment preference. One of the documents was an April 21, 1992, letter from the Acting Sacramento Area Director, Bureau of Indian Affairs, informing Ms. Freeman that she did not meet the criteria for Indian preference.

The Board assumes, for purposes of this order, that Ms. Freeman intended to appeal the Acting Area Director's letter. ^{1/} It finds, however, that the appeal must be dismissed.

The Area Director's letter stated, "Should you become a member of a Federally-recognized Indian tribe, you should once again request Indian Preference for the purposes of employment with the Bureau of Indian Affairs or Indian Health Service." Ms. Freeman has apparently now become a member of a Federally-recognized tribe. She submits documents indicating that, on May 16, 1992, she was approved for membership by the Howonquet Indian Council of the Smith River Rancheria.

^{1/} In light of its disposition of this appeal, the Board does not address the question of whether Ms. Freeman has filed a valid notice of appeal. The Board notes, however, that the Acting Area Director's letter informed her of the Board's requirements for filing a notice of appeal, including the requirement that the notice be signed by the appellant or appellant's attorney.

In light of these changed circumstances, this appeal appears to be moot. Since Ms. Freeman is now in a position to reapply for Indian preference based on her tribal membership, the Board sees no point in delaying matters by retaining jurisdiction over this 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 as moot.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge