



INTERIOR BOARD OF INDIAN APPEALS

Algaaciq Tribal Government v. Juneau Area Director, Bureau of Indian Affairs

23 IBIA 1 (10/13/1992)



# United States Department of the Interior

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

ALGAACIQ TRIBAL GOVERNMENT, : Order Dismissing Appeal  
Appellant :  
 :  
v. :  
 :  
 : Docket No. IBIA 92-198-A  
JUNEAU AREA DIRECTOR, :  
BUREAU OF INDIAN AFFAIRS, :  
Appellee : October 13, 1992

Appellant Algaaciq Tribal Government sought review of a May 22, 1992, decision issued by the Juneau Area Director, Bureau of Indian Affairs (Area Director; BIA), denying appellant's application for a grant under the FY 1992 Small Tribes program. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal.

Appellant's notice of appeal was filed with the Area Director in accordance with instructions given to it in the May 22, 1992, decision. The Area Director transmitted the notice of appeal and administrative record to the Board. A copy of the Area Director's May 22, 1992, decision was included in the record. Noting that the decision did not provide appellant with reasons for the denial of its application, the Board cited Bowen v. American Hospital Association, 476 U.S. 610, 626-27 (1986), in a July 7, 1992, order requiring the Area Director to provide appellant with a statement of the reasons for the denial. The Area Director issued a supplemental decision on July 21, 1992.

On July 31, 1992, the Board docketed the appeal and informed the parties of their briefing privileges. Appellant's opening brief was due 30 days from its receipt of that order. The return receipt card shows two dates of receipt, August 7 and August 12, 1992. Using the August 12, 1992, date of receipt for purposes of calculating the due date, the Board finds that appellant's opening brief was due on or before September 11, 1992.

By memorandum dated August 3, 1992, the Area Director transmitted to the Board a note he had received from appellant. The note, which was attached to a photocopy of the Area Director's supplemental decision, stated in its entirety: "I feel that we don't need to proceed this matter. We were concerned because the office had no monies available for operations for 1992-92 [sic] year. And to date we have no \$'s." The note appeared to be signed by the Tribal Administrator.

In an order dated August 10, 1992, the Board requested clarification from appellant as to whether or not it wished to pursue its appeal. This clarification was requested on or before the due date for the filing of appellant's opening brief.

The Board has not received either an opening brief or response to the August 10, 1992, order. It has delayed action in this matter for an additional month in order to allow time for possible delays in mail delivery. It appears, however, that appellant does not intend to pursue its 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 from the Juneau Area Director's May 22, 1992, decision is dismissed.

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//original signed

Kathryn A. Lynn  
Chief Administrative Judge

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//original signed

Anita Vogt  
Administrative Judge