



INTERIOR BOARD OF INDIAN APPEALS

Carlotta Teboe, et al. v. Aberdeen Area Director, Bureau of Indian Affairs

23 IBIA 206 (02/24/1993)



United States Department of the Interior

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

CARLOTTA TEBOE, MARGUERITE	:	Order Dismissing Appeal
LeCLAIRE, CLARA VELASQUEZ,	:	
DAN LARVIE, LEO MILLER,	:	
and RICK WRIGHT,	:	
Appellants	:	
	:	Docket No. IBIA 92-192-A
v.	:	
	:	
ABERDEEN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	February 24, 1993

An appeal was filed with the Board of Indian Appeals (Board) by the Northern Ponca Restoration Committee, Inc. (Committee), seeking review of a May 22, 1992, decision of the Aberdeen Area Director, Bureau of Indian Affairs, concerning recognition of a tribal election. The Committee is a Nebraska nonprofit corporation. On November 9, 1992, after receiving information indicating that the membership of the Committee had been the subject of an October 19, 1992, order entered in Northern Ponca Restoration Committee, Inc. v. Smith, Case No. 24565G (Madison County Dist. Ct., Neb.), the Board ordered the Committee to identify the individuals claiming to constitute it. The individuals were identified as Carlotta Teboe, Marguerite LeClaire, Clara Velasquez, Dan Larvie, Leo Miller, and Rick Wright (appellants).

The Board issued a show-cause order to appellants on January 7, 1993. The order noted that the State court's decision enjoined appellants

from representing that they are members of the Board of Directors of the Northern Ponca Restoration Committee, Inc., a Nebraska Nonprofit Corporation, unless and until so elected to the position of Director of said corporation at a meeting called pursuant to law of the membership of said corporation after [October 19, 1992].

* * * [and] from representing to anyone that they are members of the Interim Tribal Council for the Ponca Tribe of Nebraska, unless duly elected to that position from and after [October 19, 1992].

The Board's order substituted appellants for the Committee as the appellants in this matter, and required appellants "to show cause why the State court decision is not binding in this matter." Appellants were given until February 12, 1993, in which to respond, and were specifically informed that "[f]ailure to show cause will result in the dismissal of this appeal."

Appellants have not responded to the Board's order.

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 Aberdeen Area Director's May 22, 1992, decision is dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge