



INTERIOR BOARD OF INDIAN APPEALS

Gary J. Montana v. Aberdeen Area Director, Bureau of Indian Affairs

24 IBIA 156 (08/31/1993)



# United States Department of the Interior

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

GARY J. MONTANA,  
Appellant

v.

ABERDEEN AREA DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Docketing and Dismissing  
: Appeal  
:  
:  
: Docket No. IBIA 93-120-A  
:  
:  
: August 31, 1993

Appellant Gary J. Montana seeks review of an August 17, 1993, decision of the Aberdeen Area Director, Bureau of Indian Affairs, conditionally approving an attorney contract between appellant and the Yankton Sioux Tribe. Specifically, appellant objects to one of the conditions.

In Welch v. Minneapolis Area Director, 17 IBIA 56 (1989), the Board held that it lacked jurisdiction to review decisions rendered by BIA Area Directors which approved, disapproved, or conditionally approved tribal attorney contracts, because these decisions are final for the Department of the Interior under 25 CFR 88.1(c). The Board issued its decision in Welch after a thorough analysis of the regulations governing approval of tribal attorney contracts, and the history of those regulations. See also Caddo Indian Tribe of Oklahoma v. Acting Anadarko Area Director, 23 IBIA 3 (1992).

Therefore, in light of Welch, and pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed and dismissed for lack of jurisdiction.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge