



INTERIOR BOARD OF INDIAN APPEALS

Kickapoo Tribe in Kansas v. Chief, Branch of Judicial Services,
Bureau of Indian Affairs

25 IBIA 291 (04/19/1994)



United States Department of the Interior

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

KICKAPOO TRIBE IN KANSAS, : Order Reversing Decision and
Appellant : Remanding Case for Further
 : Consideration
v. :
 :
 :
CHIEF, BRANCH OF JUDICIAL SERVICES, : Docket No. IBIA 94-74-A
BUREAU OF INDIAN AFFAIRS, :
Appellee : April 19, 1994

Appellant Kickapoo Tribe in Kansas sought review of a February 8, 1994, decision of the Chief, Branch of Judicial Services, Bureau of Indian Affairs (Chief), declining to consider appellant's application for a FY 1994 grant under the Special Tribal Courts grant program on the grounds that the application was not timely filed with the Anadarko Area Director.

With its appeal, appellant submitted Federal Express Sender Activity Summaries indicating that the Anadarko Area Office received its application at 15:44 (3:44 pm) on December 17, 1993, the last day on which applications could be filed. In an order dated March 9, 1994, the Board stated that appellant had made a prim facie showing that its application was submitted timely, and ordered the Chief to substantiate her position that the application was untimely.

On April 19, 1994, the Board received a response from the Chief, conceding that appellant's application was timely, and stating that the application would be reviewed and rated.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the February 8, 1994, decision of the Chief, Branch of Judicial Services, is reversed and this matter is remanded to her for review and rating of appellant's application.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge