



INTERIOR BOARD OF INDIAN APPEALS

Little Traverse Bay Bands of Odawa Indians, Inc. v. Minneapolis Area Director,  
Bureau of Indian Affairs

26 IBIA 277 (10/21/1994)



# United States Department of the Interior

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

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS, INC., Appellant	:	Order Docketing Appeal and Affirming Decision
	:	
v.	:	
	:	Docket No. IBIA 95-7-A
MINNEAPOLIS AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	October 21, 1994

Appellant Little Traverse Bay Bands of Odawa Indians, Inc., seeks review of a July 29, 1994, decision issued by the Minneapolis Area Director, Bureau of Indian Affairs (Area Director; BIA), declining to accept and review appellant's application for a FY 1994 Indian Child Welfare Act grant as an off-reservation organization. Appellant's application was filed pursuant to a notice of availability of funds published in the Federal Register. 59 FR 25542 (May 16, 1994). The notice of appeal was transmitted to the Board of Indian Appeals (Board) by the Area Director, with whom it was filed pursuant to instructions given in the decision letter.

On October 3, 1994, the Board received a letter from appellant stating that it intended its notice of appeal to be its statement of reasons, and did not intend to file an additional statement. The Board received the administrative record on October 17, 1994. For the reasons discussed below, the Board affirms the Area Director's decision.

The Area Director's decision states that appellant's application was not reviewed because the application did not include proof of liability insurance for the applicable grant years as was required by 25 CFR 23.33(b)(7) and Part III.C(7) of the program announcement, and did not include a copy of the organization's current Articles of Incorporation in violation of 25 CFR 23.33(b)(4) and Part III.C(4) of the program announcement. The Area Director noted that appellant provided proof of filing of the Articles of Incorporation, but did not include the Articles themselves.

Appellant admits that the proof of liability insurance and the Articles of Incorporation were not included in the application, but argues that the person writing its grant application did not have access to these documents when the application was submitted because the Executive Director and President and Secretary of the Board of Directors were out of town. Appellant included proof of liability insurance and the Articles of Incorporation with its notice of appeal.

The Board finds that the documents submitted on appeal cannot be considered. In reviewing BIA decisions under competitive grant programs, the Board has consistently held that consideration of information presented after the date for filing an application would violate BIA's and the Board's

duty to give fair and equitable consideration to all applications, by giving some applicants two opportunities to submit an acceptable application. See Baltimore American Indian Center v. Eastern Area Director, 26 IBIA 189 (1994), and cases cited therein.

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 Minneapolis Area Director's July 29, 1994, decision is docketed, and the decision is affirmed.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge