



INTERIOR BOARD OF INDIAN APPEALS

Lona McCallister v. Acting Billings Area Director, Bureau of Indian Affairs

26 IBIA 290 (10/25/1994)

Denying reconsideration of:

26 IBIA 251

Further request for reconsideration:

27 IBIA 6



United States Department of the Interior

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

LONA McCALLISTER,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 94-187-A
ACTING BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 25, 1994

This appeal concerns a request for assistance under the Bureau of Indian Affairs' financial assistance program. Appellant sought \$613 in miscellaneous assistance to cover burial costs for her grandmother, who died in 1965. The Acting Area Director denied appellant's request and, on September 29, 1994, the Board affirmed his decision. 26 IBIA 251.

On October 17, 1994, the Board received a petition for reconsideration from appellant. Appellant's arguments in this petition, like her earlier arguments, evidence a serious misunderstanding of BIA's financial assistance program. Appellant appears to believe that BIA has an obligation to pay the burial costs for her grandmother, without regard to whether those who paid the costs in 1965 were eligible for financial assistance from BIA. Although many tribes have burial assistance program, under which payments are available to all tribal members regardless of income, BIA's miscellaneous assistance program is not such a program. Instead, it is a welfare program, under which assistance is available only to Indians who can demonstrate need and can also meet the other eligibility criteria for the program.

Nothing in appellant's petition shows that the Board's September 29 decision was in error. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellant's petition for reconsideration is denied. This decision is final for the Department of the Interior.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge