



INTERIOR BOARD OF INDIAN APPEALS

DELHI-Trading Inc. v. Navajo Area Director, Bureau of Indian Affairs

27 IBIA 151 (01/24/1995)

On reconsideration:
27 IBIA 186

Further request for reconsideration:
28 IBIA 3



United States Department of the Interior

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

DELHI-TRADING INCORPORATED,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 95-21-A
NAVAJO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 24, 1995

Appellant DELHI-Trading Incorporated sought review of an August 31, 1994, decision of the Acting Assistant Navajo Area Director, Bureau of Indian Affairs (BIA), concerning the leasing of Navajo Allotments 057514, 011704, and 011706 for oil and gas purposes.

The Board initially noted that it did not have jurisdiction over decisions issued by Assistant Area Directors, and stated that it would consider the appeal only if the Navajo Area Director (Area Director) concurred in the decision. Although the Area Director did not specifically concur in the decision, the administrative record contained an October 17, 1994, letter from the Area Director to appellant in which the Area Director acknowledged the Assistant Area Director's August 31, 1994, decision. On November 14, 1994, the Board held that the appeal was properly before it.

In its November 14, 1994, order, the Board also stated:

The Area Director's October 17, 1994, letter to appellant and other documents in the administrative record suggest that, in seeking these leases, appellant was acting as an agent for J.K. Edwards Associates, Inc. (Edwards). The August 31, 1994, decision letter was sent to the President of Edwards. An October 10, 1994, letter from the President of Edwards to counsel for the Area Director further indicates that Edwards did not appeal the decision, and did not instruct appellant to appeal the decision on its behalf.

Appellant is ordered to show that it has standing to bring this appeal.

(Order at 1-2).

Appellant has failed to respond to this 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 Acting Assistant Area Director's August 31, 1994, decision, as concurred in by the Area Director, is dismissed for failure to show standing.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge