



INTERIOR BOARD OF INDIAN APPEALS

Cheyenne & Arapaho Tribes of Oklahoma v. Anadarko Area Director,
Bureau of Indian Affairs

27 IBIA 244 (03/21/1995)

Related Board cases:

34 IBIA 144

35 IBIA 192



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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CHEYENNE-ARAPAHO TRIBES	:	Order Docketing and Dismissing
OF OKLAHOMA,	:	Appeal
Appellant	:	
	:	
v.	:	Docket No. IBIA 95-85-A
	:	
ANADARKO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 21, 1995

This is an appeal from a February 2, 1995, decision of the Anadarko Area Director, Bureau of Indian Affairs (Area Director; BIA), disapproving an attorney contract between the Cheyenne-Arapaho Tribes of Oklahoma and Richard J. Grellner, Esq., Stillwater, Oklahoma.

In Welch v. Minneapolis Area Director, 17 IBIA 56 (1989), the Board held that BIA Area Directors' decisions approving, disapproving, or conditionally approving tribal attorney contracts are final for the Department of the Interior and that the Board therefore lacks jurisdiction over appeals from those decisions. The Board reached its conclusions after a thorough analysis of the regulations governing approval of tribal attorney contracts, in particular 25 CFR 88.1(c), and the history of those regulations. See also, e.g., Caddo Indian Tribe of Oklahoma v. Acting Anadarko Area Director, 23 IBIA 3 (1992).

The Area Director's decision in this case indicates that the authority to approve tribal attorney contracts has recently been delegated to BIA Superintendents, at least in the Anadarko Area; that the initial decision to disapprove appellant's attorney contract was made by the Superintendent, Concho Agency; and that the Area Director's decision was issued following an appeal from the Superintendent's disapproval. Although BIA procedures in this case were clearly different than they were in Welch, where the initial decision was issued by the Area Director, the difference is of no consequence. The fact that the Superintendent, rather than the Area Director, issued the initial decision here does not grant the Board jurisdiction that it would not have under Welch.

Therefore, 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 under the above case name and number, but is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge