



INTERIOR BOARD OF INDIAN APPEALS

Dean Wallace v. Aberdeen Area Director, Bureau of Indian Affairs

27 IBIA 288 (04/06/1995)



# United States Department of the Interior

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

DEAN WALLACE,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 95-70-A
ABERDEEN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 6, 1995

Appellant Dean Wallace sought review of a December 7, 1994, decision issued by the Aberdeen Area Director, Bureau of Indian Affairs (Area Director; BIA), rejecting appellant's bids for three grazing leases on the Devils Lake Sioux Reservation. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal as moot.

The Area Director's December 7, 1994, decision rejected appellant's bids because they were submitted on an incorrect bid form, *i.e.*, the bids for the October 17, 1994, bid opening were on forms for an October 5, 1993, lease advertisement.

The Area Director forwarded the administrative record in this case to the Board on February 1, 1995. The letter transmitting the record stated: "The lands [at issue] were subsequently advertised again with November 28, 1994, bid opening. [Appellant] correctly submitted the proper bid form, therefore, his bids were accepted. It is our opinion that this appeal is now moot, since [appellant's] bids were accepted at the November 28, 1994, bid opening." A copy of this letter was sent to appellant.

Although the Board's February 6, 1995, notice of docketing advised appellant of his right to file a brief, appellant did not file anything beyond his notice of appeal. Accordingly, the only arguments he raises are those set out in his notice of appeal. In particular, appellant has not responded to the Area Director's assertion that the appeal is moot.

A case is moot when there is no longer an issue in controversy between the parties. Appellant has not disputed the Area Director's assertion that he has been awarded the leases for which his bids were rejected in the Area Director's December 7, 1994, decision.

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 Aberdeen Area Director's December 7, 1994, decision is dismissed as moot.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge