



INTERIOR BOARD OF INDIAN APPEALS

Sherman P. Hawkins v. Leona Chapin, et al.

28 IBIA 199 (09/20/1995)

Reconsideration denied:  
28 IBIA 216



# United States Department of the Interior

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

SHERMAN P. HAWKINS	:	Order Docketing and Dismissing
	:	Petition for Partition of Trust Land
v.	:	
	:	Docket No. IBIA 95-162-A
LEONA CHAPIN, CECIL HAWKINS, and	:	
DELLA WAGNER	:	September 20, 1995

On September 18, 1995, the Board of Indian Appeals received a filing from Sherman P. Hawkins, pro se. The filing is entitled "PETITION FOR PARTITION OF TRUST LAND ON THE CROW INDIAN RESERVATION FROM AN ESTATE BY HEIR AGAINST CO-OWNERS AND MORTGAGORS, and PETITION FOR ACCOUNTING OF RENTS AND PROFITS." Hawkins does not state that he is appealing a Bureau of Indian Affairs (BIA) decision concerning the partition. Rather, his filing suggests that he expects the Board to render the initial decision in the matter.

The Board has jurisdiction over appeals from decisions of BIA officials, 43 CFR 4.1 (b) (2) (i), including BIA decisions concerning the partition of trust land. E.g., Davis v. Acting Aberdeen Area Director, 27 IBIA 281 (1995). The Board does not have authority to render initial decisions in partition requests. Accordingly, this matter must be dismissed for lack of jurisdiction. Hawkins should submit his partition request to the Crow Agency, BIA, which has initial jurisdiction over partition requests for trust lands on the Crow Reservation. If Hawkins is not satisfied with the decision he receives from the Crow Agency Superintendent, he may appeal to the Billings Area Director, BIA. If he is not satisfied with the Area Director's decision, he may appeal to this Board.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for partition is docketed but is dismissed for lack of jurisdiction.

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Anita Vogt  
Administrative Judge

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Kathryn A. Lynn  
Chief Administrative Judge