



INTERIOR BOARD OF INDIAN APPEALS

Jefferey Alan-Wilson, Sr. v. Sacramento Area Director, Bureau of Indian Affairs

30 IBIA 263 (04/01/1997)

Reconsideration denied:

31 IBIA 6

Related Board cases:

30 IBIA 241

Reconsideration denied, 31 IBIA 4

32 IBIA 33

Reconsideration denied, 32 IBIA 92

33 IBIA 55



United States Department of the Interior

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

JEFFEREY ALAN-WILSON, SR.,	:	Order Dismissing Appeals
Appellant	:	
	:	
v.	:	Docket Nos. IBIA 95-119-A
	:	IBIA 95-120-A
	:	IBIA 95-121-A
SACRAMENTO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 1, 1997

Jefferey Alan-Wilson, Sr. (Wilson), seeks review of an April 4, 1995, decision issued by the Sacramento Area Director, Bureau of Indian Affairs (Area Director; BIA), affirming various actions taken by the Superintendent, Central California Agency, BIA (Superintendent). Docket No. IBIA 95-112-A, decided separately today, concerns the Area Director's April 4, 1995, affirmance of the Superintendent's withdrawal of recognition of a tribal council for the Cloverdale Rancheria of Pomo Indians of California (Cloverdale Rancheria) headed by Wilson, and his recognition of an interim tribal council headed by John Santana (Santana). 30 IBIA 241.

The present three appeals concern actions taken following that change in recognition of tribal government, and are inextricably interwoven with the question of who has the authority to reorganize a tribal government for the Cloverdale Rancheria. Docket No. IBIA 95-119-A concerns the transfer of an Indian Child Welfare Act grant for the Cloverdale Rancheria to the Yaka-Ama Indian organization; Docket No. IBIA 95-120-A involves the Superintendent's decision to return, without response, a request under 25 C.F.R. § 89.41 for the payment of tribal attorney fees with appropriated funds for fiscal year 1995; and Docket No. IBIA 95-121-A concerns assistance given to Santana by the Superintendent, including providing federal grant funding paperwork, technical assistance and acceptance of an application for \$100,000 in Tillie Hardwick special Appropriations for 1994. 1/ These

1/ Wilson contends in a Declaration attached to his Reply Brief in Docket No. IBIA 95-112-A that he filed a fourth appeal, concerning a fee-to-trust acquisition request.

At page 1 of his Apr. 4, 1995, decision, the Area Director stated that he was addressing the recognition of a tribal government and four subsequent notices of appeal * * * concerning the following: 1) FY 94 Indian Child Welfare Act funds, 2) FY 95 application for appropriated funds for attorney fees made pursuant to 25 CFR § 89.41, 3) FY 94 Tillie Hardwick grant funds, and 4) the Cloverdale Rancheria's Fee-to-Trust application on the Ford Ranch."

At pages 1-2 of his notice of appeal, Wilson stated that he was appealing "the April 4, 1995 decision which (1) affirmed the Central California Agency Superintendent's decision withdrawing the Bureau's recognition of the

appeals have been stayed pending resolution of Docket No. IBIA 95-112-A, which is decided today, and the Board finds that these appeals can be disposed of without further briefing.

Each of the three appeals considered here involves funding for fiscal years that have long since passed. In at least Docket No. IBIA 95-121-A, and perhaps Docket No. IBIA 95-119-A, the fiscal year concerned was over before the appeal was filed. The Board holds that these appeals are moot on the fact that the fiscal years for which funds were sought have been concluded.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, these appeals from portions of the Sacramento Area Director's April 4, 1995, decision are dismissed as moot.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge

fn. 1 (continued)

tribal council elected on November 21, 1991 and conferring recognition on the interim tribal council elected on March 28, 1994, and (2) denied related appeals concerning: FY 94 Indian Child Welfare Act funds, FY 95 application for appropriated funds for attorney fees, and FY 94 Tillie Hardwick grant funds."

The Board finds no reference to an appeal concerning the fee-to-trust acquisition request. Therefore, it concludes that no such appeal was timely filed.