



INTERIOR BOARD OF INDIAN APPEALS

Adeline M. Smith v. Superintendent, Southern California Agency

31 IBIA 304 (12/10/1997)



United States Department of the Interior

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

ADELINE M. SMITH, Appellant	: Order Docketing and Dismissing : Appeal : :
v.	: :
SUPERINTENDENT, SOUTHERN CALIFORNIA AGENCY, BUREAU OF INDIAN AFFAIRS, Appellee	: Docket No. IBIA 98-32-A : : : : December 10, 1997

On December 4, 1997, the Board of Indian Appeals received a notice of appeal from Adeline M. Smith, pro se, who states that she is appealing an October 30, 1997, letter she received from the Superintendent, Southern California Agency, Bureau of Indian Affairs (BIA). The Superintendent's letter advised Ms. Smith that BIA could not intervene in or review proceedings of the Tribal Council of the Cahuilla Band of Mission Indians concerning the assignment of a tract of tribal land.

This appeal is docketed under the docket number shown above. The Board finds, however, that the appeal must be dismissed.

To the extent that the Superintendent's October 30, 1997, letter is an appealable decision, it must be appealed to the Sacramento Area Director, BIA, before it can be appealed to the Board. See 43 C.F.R. § 4.331. Thus, as a procedural matter, this appeal to the Board is premature.

Further, even if the October 30, 1997, letter had been signed by the Area Director, and thus subject to Board review as a procedural matter, the Board would find that it lacked jurisdiction over the subject matter of the appeal. It is clear that the decision for which Ms. Smith seeks review is a tribal decision. The Board has held on several occasions that it lacks authority to review decisions made by tribal governing bodies. E.g., Welmas v. Sacramento Area Director, 24 IBIA 264 (1993), and cases cited therein.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed and dismissed.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge