



INTERIOR BOARD OF INDIAN APPEALS

Raul Garza, et al.; Juan B. Gonzalez, Sr.; and Raul Garza, et al.
v. Acting Anadarko Area Director, Bureau of Indian Affairs

32 IBIA 31 (01/30/1998)



United States Department of the Interior

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

RAUL GARZA and FRANCISCO GONZALEZ, Appellants	:	Order Referring Appeals to the Assistant Secretary - Indian Affairs
JUAN B. GONZALEZ, SR., Appellant	:	
RAUL GARZA, FRANCISCO GONZALEZ, and FRANCISCO SALAZAR, Appellants	:	Docket Nos. IBIA 97-152-A IBIA 97-165-A IBIA 98-23-A
v.	:	
ACTING ANADARKO AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	January 30, 1998

The above appeals seek review of several decisions issued by the Acting Anadarko Area Director, Bureau of Indian Affairs (Area Director), concerning tribal election disputes within the Kickapoo Traditional Tribe of Texas (Tribe). The appeals have been stayed while the Area Director attempted to achieve consensus among the parties as to a procedure through which the Tribe could resolve these disputes itself.

On January 14 and 16, 1998, the Board received two new appeals from the Area Director's January 8, 1998, decision concerning another Tribal election held on November 15, 1997. On January 29, 1998, the Board received notice from the Assistant Secretary - Indian Affairs that he was assuming jurisdiction over the two new appeals under 25 C.F.R. § 2.20(c) and 43 C.F.R. § 4.332(b). By Notice dated January 30, 1998, the Board transferred those two appeals to the Assistant Secretary.

The Assistant Secretary's time for assuming jurisdiction over the present three appeals has long since passed. However, it is difficult, if not impossible, to separate these appeals from the ones over which the Assistant Secretary assumed jurisdiction, because these appeals are an integral part of the larger problem which the Tribe is facing and attempting to resolve.

Under the circumstances presented here, the Board believes that the only logical and appropriate course of action is to refer these three appeals to the Assistant Secretary for consideration in connection with the two appeals over which he has assumed jurisdiction. Any other course of action would have similar appeals pending before two Departmental forums at the same time, with the possibility of inconsistent results. With all of the appeals before the Assistant Secretary, he can take appropriate action to deal with the totality of the leadership disputes within the Tribe.

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 are referred to the Assistant Secretary - Indian Affairs. The Board requests that the Assistant Secretary notify it of his final action in these matters.

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Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge