



INTERIOR BOARD OF INDIAN APPEALS

Sheron Harrison, et al. v. Acting Director, Office of Tribal Services,  
Bureau of Indian Affairs

32 IBIA 49 (02/03/1998)

Related Judicial case:

*Harrison v. United States Department of the Interior*, No. CIV 98-228 S

(E.D. Okla. Aug. 23, 1999)

Affirmed, No. 99-7108, 27 Indian Law Reporter 2216

(10th Cir. Aug. 28, 2000)



# United States Department of the Interior

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

SHERON HARRISON ET AL.,	:	Order Docketing and Dismissing
Appellants	:	Appeal
	:	
v.	:	
	:	
ACTING DIRECTOR, OFFICE OF TRIBAL	:	Docket No. IBIA 98-56-A
SERVICES, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	February 3, 1998

On January 20, 1998, the Board of Indian Appeals (Board) received a Notice of Appeal from "the children of James Harrison," who state that they seek review of a January 6, 1998, decision of the Acting Director, Office of Tribal Services, Bureau of Indian Affairs (Director; BIA). The Notice of Appeal is not signed, and does not identify the Appellants by name. The envelope in which the Notice of Appeal was mailed has a return address to "S. Harrison."

The Notice of Appeal also did not include a copy of the decision being appealed. The Board requested a copy of the decision from the Director. The Director provided a copy of his January 6, 1998, letter and a July 17, 1997, decision issued by the Acting Muskogee Area Director, BIA (Area Director). The Area Director's decision identifies the persons involved in the appeal to him as James Edward Harrison, Elaine Harrison Glover, Alfred Harrison, Corene Harrison Miller, Jorene Harrison, Jewel Harrison Kemp, Carolyn Harrison, Barbara Harrison, Sheron Harrison, Donald Harrison, Norma Ruth Harrison Dawson, Clyde Anthony Harrison, Paula LaShawn Harrison, and Randy Harrison.

For purposes of this decision, the Board assumes that some or all of the individuals identified in the Area Director's decision are Appellants here, and that "S. Harrison" stands for "Sheron Harrison."

The Board docketed this case, but dismisses it on the grounds that it lacks jurisdiction over this appeal.

The Director's January 6, 1998, letter states that it is in response to correspondence and telephone calls from Sheron Harrison regarding the Area Director's July 17, 1997, decision. That decision denied applications for Certificate of Degree of Indian Blood (CDIB) cards from the individuals listed above. The Area Director's decision stated: "This decision is based upon the exercise of authority delegated to me by the Secretary of the Interior and is final for the U.S. Department of the Interior." Decision at 2-3.

The Director's January 6, 1998, letter explained that the Area Director had authority under 25 C.F.R. § 62.10(a) to issue a decision final for the Department in this type of appeal. The letter states at page 2:

The finality of this decision precludes an appeal to the Assistant Secretary - Indian Affairs. We note that the Interior Board of Indian Appeals may hear an appeal from an adverse decision rendered by an area director, 43 CFR Part 4 and 25 CFR Part 2; however, decisions that are final for the Department of the Interior are appealable only to Federal court, 5 U.S.C. 704.

The Director's letter was a confirmation of the Area Director's statement that his decision was final for the Department of the Interior. The Director added the information that Appellants would need to proceed to Federal court if they wished to continue to challenge the Area Director's decision.

The Board addressed the appeal provisions in 25 C.F.R. Part 62 in Jackson v. Muskogee Area Director, 32 IBIA 45 (1998), and McClure v. Acting Muskogee Area Director, 27 IBIA 154 (1995). The Board concluded that it lacks jurisdiction over appeals from denials of applications for CDIB cards.

If Appellants wish to challenge the Area Director's decision, they must do so in Federal court.

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.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge