



INTERIOR BOARD OF INDIAN APPEALS

Jeannette Losh, et al. v. Acting Phoenix Area Director, Bureau of Indian Affairs

32 IBIA 61 (02/11/1998)

Related Board case:

32 IBIA 241

Reconsideration denied, 32 IBIA 289



# United States Department of the Interior

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

|                               |   |                                |
|-------------------------------|---|--------------------------------|
| JEANNETTE LOSH ET AL.,        | : | Order Docketing and Dismissing |
| Appellants                    | : | Appeal as Premature            |
|                               | : |                                |
| v.                            | : |                                |
|                               | : | Docket No. IBIA 98-58-A        |
| ACTING PHOENIX AREA DIRECTOR, | : |                                |
| BUREAU OF INDIAN AFFAIRS,     | : |                                |
| Appellee                      | : | February 11, 1998              |

On February 4, 1998, the Board of Indian Appeals (Board) received a package of documents relating to an August 11, 1997, recall election held on the Yomba Shoshone Reservation. The package states that it was filed by Jeannette Losh, Roselyn Brady, Wayne Dyer, Priscilla Lynch, Johnnie Robb, Levi Brady, Donald Brady, David Hooper, Darlene Dewey, and Doris Dyer. One document in the package also includes Emma Bobb, and two documents include Randy Brady. However, the package is not signed. In addition, the package is not addressed to the Board, but is addressed to the Phoenix Area Director, Bureau of Indian Affairs (Area Director; BIA), and seeks relief from the Area Director, rather than from the Board.

So that the individuals filing this package are advised of its status before the Board, the Board treats the filing as an appeal for purposes of this order. However, it dismisses the appeal as premature.

In order to allow for an orderly decisionmaking process, the Board does not consider issues that are still pending before an appropriate BIA official. It appears here that this matter is still before the Area Director. Therefore, the Board refrains from taking action until such time as it is clear that its jurisdiction has been invoked. 1/

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 but dismissed without prejudice as premature.

\_\_\_\_\_  
//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Anita Vogt  
Administrative Judge

1/ Even if this were not a premature appeal, it could not be accepted because it is unsigned. See 43 C.F.R. § 4.332(a), requiring that a notice of appeal to the Board be signed by the appellant or the appellant's attorney. In the absence of a signature(s), the Board has no way to determine that the individuals listed actually agreed with the filing.