



INTERIOR BOARD OF INDIAN APPEALS

Yankton Sioux Tribe v. Acting Director, Office of Trust Responsibilities,
Bureau of Indian Affairs

32 IBIA 96 (03/12/1998)

Denying reconsideration of:
32 IBIA 28



United States Department of the Interior

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

YANKTON SIOUX TRIBE,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 98-47-A
ACTING DIRECTOR, OFFICE OF TRUST	:	
RESPONSIBILITIES, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	March 12, 1998

This appeal concerns the denial of a request for litigation support funding. On January 30, 1998, upon concluding that the Tribe's request for funding fell within the regulatory prohibition in 25 C.F.R. § 89.41(f), the Board dismissed this appeal for lack of authority to grant any relief. 32 IBIA 28. The Board advised the Tribe that it might wish to apply to the Assistant Secretary - Indian Affairs for a waiver of the regulation.

On February 17, 1998, the Board received another document from the Tribe. This document, the Tribe contends, shows that the Tribe's March 20, 1995, request for funding was not returned to the Tribe for further work until October 1996. The Board treats the Tribe's submission as a petition for reconsideration of its January 30, 1998, order.

The new document has no bearing on the basis for dismissal of this appeal because it does not change the fact that the Tribe's funding request falls within the regulatory prohibition in 25 C.F.R. § 89.41(f). However, in accordance with the Board's suggestion in the January 30, 1998, order, the Tribe should include this document, and any other documents relating to the date on which the original funding request was returned to the Tribe, in any request it may make to the Assistant Secretary for a waiver of the regulation.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this petition for reconsideration is denied.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge