



INTERIOR BOARD OF INDIAN APPEALS

Johnnie Bobb, et al. v. Phoenix Area Director, Bureau of Indian Affairs

32 IBIA 241 (06/24/1998)

Reconsideration denied:

32 IBIA 289

Related Board case:

32 IBIA 61



United States Department of the Interior

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

JOHNNIE BOBB ET AL.,	:	Order Docketing and Dismissing
Appellants	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 98-103-A
PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 24, 1998

On June 22, 1998, the Board of Indian Appeals (Board) received a Notice of Appeal concerning a decision issued on May 20, 1998, by the Phoenix Area Director, Bureau of Indian Affairs. The decision relates to a recall election conducted on the Yomba Shoshone Reservation. The Notice of Appeal lists Johnnie Bobb and Donald Brady as "Contact Persons," and Jeannette Losh, Roselyn Brady, Wayne Dyer, Johnnie Bobb, Priscilla Lynch, Levi Hooper, Donald Brady, Doris Dyer, and Randy Brady as "Interested Parties." The Notice of Appeal is typewritten and is not signed by anyone.

On February 11, 1998, the Board dismissed as premature an appeal filed by Jeannette Losh, Roselyn Brady, Wayne Dyer, Priscilla Lynch, Johnnie Bobb, Levi Brady, Donald Brady, David Hooper, Darlene Dewey, and Doris Dyer. See 32 IBIA 61 (1998). In footnote 1 of that Order, the Board stated:

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.

The two persons listed in the present appeal as the "Contact Persons," and most of the persons listed as "Interested Parties," were specifically informed in the February 11, 1998, Order that the Board would not accept an unsigned notice of appeal. However, they have attempted a second time to file an appeal without signatures.

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 from the Phoenix Area Director's May 20, 1998, decision is docketed, but dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge