



INTERIOR BOARD OF INDIAN APPEALS

Northern Arapaho Tribe, Sky People Higher Education Program v. Director,
Office of Indian Education Programs, Bureau of Indian Affairs

33 IBIA 122 (01/21/1999)



United States Department of the Interior

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

NORTHERN ARAPAHO TRIBE,	:	Order Docketing and Dismissing Appeal
SKY PEOPLE HIGHER EDUCATION	:	
PROGRAM,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 99-36-A
	:	
DIRECTOR, OFFICE OF INDIAN	:	
EDUCATION PROGRAMS, BUREAU	:	
OF INDIAN AFFAIRS,	:	
Appellee	:	January 21, 1999

On January 19, 1999, the Board of Indian Appeals received a notice of appeal from the Northern Arapaho Tribe, Sky People Higher Education Program, through counsel, Andrew W. Baldwin, Esq., Lander, Wyoming. Appellant states that it presently has an appeal pending before the Deputy to the Assistant Secretary - Indian Affairs/Director (Indian Education Programs). ^{1/} It contends that the Director, OIEP, failed to comply with 25 C.F.R. § 2.19 in that she failed to issue a decision in Appellant's appeal within 60 days after all time for pleadings had expired. Although Appellant does not cite the regulatory provision under which it invokes Board jurisdiction, it presumably relies upon either 25 C.F.R. § 2.8 or 25 C.F.R. § 2.20(e).

Under 25 C.F.R. § 2.20(g), decisions of the Director, OIEP, are appealable to the Assistant Secretary - Indian Affairs. Under 25 C.F.R. § 2.4(e), the Board lacks authority to review decisions made by the Director, OIEP. The Board similarly lacks authority to assume jurisdiction over a matter pending before the Director, OIEP.

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 is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

^{1/} The present title of this official is Director, Office of Indian Education Programs (Director, OIEP). The Board refers to the official by her present title.