



INTERIOR BOARD OF INDIAN APPEALS

Rudy and Julia Sells v. Navajo Regional Director, Bureau of Indian Affairs

35 IBIA 47 (04/25/2000)



# United States Department of the Interior

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

RUDY and JULIA SELLS,  
Appellants

v.

NAVAJO REGIONAL DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Docketing Appeal, Vacating  
: Decision, and Remanding Matter  
: to the Regional Director  
:  
:  
: Docket No. IBIA 00-59-A  
:  
:  
: April 25, 2000

On April 10, 2000, the Board of Indian Appeals received a notice of appeal from Rudy and Julia Sells, who sought review of a March 7, 2000, decision of the Navajo Regional Director, Bureau of Indian Affairs, cancelling Business Site Lease No. FD-90-140.

The Regional Director's decision stated that the lease was cancelled because Appellants failed to respond to a notice of default within ten days. In their notice of appeal to the Board, Appellants contended that their response had been timely delivered to the Regional Office.

The Board gave the Regional Director an opportunity to respond to Appellants' contention. In her response, the Regional Director requests that the Board vacate her March 7, 2000, decision and remand this matter to her so that she may consider Appellants' response to the notice of default.

An immediate remand is clearly called for here. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director's March 7, 2000, decision is vacated, and this matter is remanded to her for further consideration.

//original signed

Anita Vogt  
Administrative Judge

//original signed

Kathryn A. Lynn  
Chief Administrative Judge