



## INTERIOR BOARD OF INDIAN APPEALS

Fort Peck Housing Authority;  
Superintendent, Fort Peck Agency, Bureau of Indian Affairs; and  
Assiniboine and Sioux Tribes of the Fort Peck Reservation  
v. Rocky Mountain Regional Director, Bureau of Indian Affairs

37 IBIA 160 (03/04/2002)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

FORT PECK HOUSING AUTHORITY,	:	Order Vacating Decision and
Appellant	:	Remanding Case
	:	
SUPERINTENDENT, FORT PECK	:	
AGENCY, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellant	:	
	:	
ASSINIBOINE AND SIOUX TRIBES OF	:	Docket Nos. IBIA 02-51-A
THE FORT PECK RESERVATION,	:	IBIA 02-53-A
Appellant	:	IBIA 02-54-A
	:	
v.	:	
	:	
ROCKY MOUNTAIN REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	March 4, 2002

These are appeals from a December 14, 2001, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning Lease No. 0592 between the Assiniboine and Sioux Tribes of the Fort Peck Reservation (Tribes) and Annette J. Lambert. The appeals in Docket Nos. IBIA 02-51-A and IBIA 02-54-A were filed by the Fort Peck Housing Authority and the Tribes. They were docketed and consolidated on February 12, 2002. The appeal in Docket No. IBIA 02-53-A was filed by the Superintendent, Fort Peck Agency, BIA. By order of January 24, 2002, the Board required the Superintendent to identify the authority under which he filed a notice of appeal from a decision issued by the Regional Director. The Superintendent's response was received on February 19, 2002.

On February 22, 2002, the Board received a request for remand from the Regional Director, who states that he seeks remand so that he may reconsider his decision. In support of his request, he states that, "[s]ince making this decision, information which is new and potentially dispositive of this case has come to his attention," Regional Director's Request for Remand at 1, and that a remand "will likely expedite a final resolution of the underlying controversy." *Id.* at 2.

Particularly in light of the Regional Director's statement concerning new information, the Board finds that it would be in the interest of all parties, and most conducive to a prompt resolution of this dispute, to remand this matter to the Regional Director for further proceedings and issuance of a new decision. If any party disagrees with the Regional Director's new decision, that party may appeal it to the Board.

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 December 14, 2001, decision is vacated, and this matter is remanded to him for further consideration. 1/

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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1/ In light of this disposition, the Board finds it unnecessary to address the question it posed to the Superintendent, i.e., what authority exists for a Superintendent to appeal to the Board from a decision issued by the Regional Director who is the Superintendent's supervisor.