



INTERIOR BOARD OF INDIAN APPEALS

Rocky LeCompte v. Superintendent, Cheyenne River Agency, Bureau of Indian Affairs

38 IBIA 62 (08/12/2002)



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

ROCKY LeCOMPTE,	:	Order Docketing and Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. 02-138-A
SUPERINTENDENT, CHEYENNE	:	
RIVER AGENCY, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	August 12, 2002

On July 16, 2002, the Board of Indian Appeals received a notice of appeal from Rocky LeCompte (Appellant), who stated that he was appealing a decision of the Bureau of Indian Affairs (BIA) but did not further identify the decision he sought to appeal or the BIA official who issued the decision.

On July 17, 2002, the Board ordered Appellant to furnish a copy of the decision he was appealing.

On August 5, 2002, the Board received Appellant's statement that he is appealing a November 6, 2001, decision issued by the Superintendent, Cheyenne River Agency, BIA, which assessed Appellant \$5750 for unauthorized cutting and removal of hay from Cheyenne River Allotted Tract No. 5113. Appellant furnishes a copy of the Superintendent's decision and a brief statement as to why he believes it is in error.

The Board does not have jurisdiction over appeals from decisions issued by BIA Superintendents. See 25 C.F.R. § 2.4(a) and (e). Rather, an appeal from a Superintendent's decision must be filed with the appropriate BIA Regional Director—in this case, the Great Plains Regional Director. Although a considerable period of time has passed since the Superintendent issued his decision, the decision may still be appealable to the Regional Director because the Superintendent did not include appeal instructions in his decision. The Board recognizes that the Superintendent may have subsequently provided Appellant with appeal instructions. Unless he did so, however, his November 6, 2001, decision remains appealable to the Regional Director in accordance with 25 C.F.R. § 2.7(b).

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. This dismissal is without prejudice. Therefore, if Appellant files an appeal with the Regional Director, the Regional Director's decision may then be appealed to the Board.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge