



## INTERIOR BOARD OF INDIAN APPEALS

Leon Sioux v. Acting Rocky Mountain Regional Director, Bureau of Indian Affairs

38 IBIA 75 (08/21/2002)

Related Board cases:

37 IBIA 303

39 IBIA 136



## United States Department of the Interior

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

LEON SIOUX,	:	Order Docketing Appeal
Appellant	:	and Affirming Decision
	:	
v.	:	
	:	Docket No. IBIA 02-150-A
ACTING ROCKY MOUNTAIN	:	
REGIONAL DIRECTOR, BUREAU	:	
OF INDIAN AFFAIRS,	:	
Appellee	:	August 21, 2002

On August 12, 2002, the Board of Indian Appeals received a filing from Leon Sioux (Appellant), who describes his filing as a formal objection to a June 17, 2002, letter sent to Daniel Sioux by the Acting Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director). The June 17, 2002, letter provided Daniel Sioux with a copy of the Regional Director's March 25, 2002, decision concerning a lease of land within Northern Cheyenne Allotment 616. In providing the March 25, 2002, decision, the Regional Director stated that he had inadvertently failed to send a copy of the decision to Daniel Sioux at the time it was issued and was therefore providing formal notice of the decision as well as information concerning the right to appeal.

The Board treats Appellant's filing as a notice of appeal from the Regional Director's June 17, 2002, letter.

Appellant objects to the Regional Director's informing Daniel Sioux that he had a right to appeal the March 25, 2002, decision. He contends that, as a result of the Board's June 27, 2002, order dismissing an appeal from the March 25, 2002, decision, Shoulderblade v. Rocky Mountain Regional Director, 37 IBIA 303, that decision is now final for the Department of the Interior.

As Daniel Sioux was an interested party in the matter addressed in the Regional Director's March 25, 2002, decision, his time to appeal that decision was tolled under 25 C.F.R. § 2.7 until he was given notice of the decision and proper appeal instructions. In order to provide due process to Daniel Sioux and to ensure the finality of the March 25, 2002, decision,

the Regional Director properly provided notice to Daniel Sioux upon discovering the previous failure to do so. Accordingly, the Regional Director's June 17, 2002, letter must be summarily affirmed.

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, and the Regional Director's June 17, 2002, letter is summarily affirmed. 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/ As of the date of this order, Daniel Sioux has not appealed to the Board from the Regional Director's Mar. 25, 2002, decision.