



INTERIOR BOARD OF INDIAN APPEALS

Janice Freeman, et al. v. Pacific Regional Director, Bureau of Indian Affairs

39 IBIA 7 (02/26/2003)

Denying reconsideration of:  
38 IBIA 292



# United States Department of the Interior

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

JANICE FREEMAN, ET AL.,	:	Order Denying Reconsideration
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 01-51-A
PACIFIC REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	February 26, 2003

Appellants Janice Freeman, et al., have petitioned for reconsideration or clarification of a portion of the decision issued in this appeal on January 29, 2003. 38 IBIA 292. The decision concerns the governing documents and leadership of the Round Valley Indian Tribes (Tribes), and was issued by the Pacific Regional Director, Bureau of Indian Affairs (Regional Director). For the reasons discussed below, the Board of Indian Appeals (Board) denies the petition.

At 38 IBIA 293, the Board stated that the issue for decision in this appeal was whether the Tribes' leadership and 1994 Constitution were validly changed as a result of an election Appellants held in 2000. It found that they had not been. Appellants apparently do not take issue with this characterization of the question, or with the Board's ultimate conclusion. Instead, they contend that they did everything required of them to petition for a Secretarial election, and that the Regional Director failed to respond properly to their petition. They ask that the Board reconsider and/or clarify that portion of its decision in which it described how the petitioning process should have worked "in order to provide a meaningful remedy to Appellants for the [Regional] Director's failures without prejudicing the" Tribes. Petition for Partial Reconsideration and/or Clarification at 2.

Appellants do not specify what they believe a "meaningful remedy" would be. It is possible that they think the Board should resurrect their 2000 petition for a Secretarial election. The Board cannot, however, do that because it has no way to ensure that persons who signed the petition in 2000 would still sign it today.

It is also possible that Appellants would like the Board to specify precisely what actions the Regional Director must take in response to the filing of a petition for a Secretarial election. Although it appears that Appellants believe the Regional Director will not fulfill his responsibilities, the Board does not share their doubts. Any concerns that the Regional Director may

have had about the previous petitioning process, which resulted in the actions he took--or did not take--at that time, should be resolved between Appellants and the Regional Director in the course of the petitioning process.

Unfortunately, however, if Appellants continue to believe that the Tribes' Constitution should be amended and/or replaced, they need to start the petitioning process over.

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 petition for reconsideration is denied.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Kathleen R. Supernaw  
Acting Administrative Judge