



INTERIOR BOARD OF INDIAN APPEALS

B. B. v. Rocky Mountain Regional Director, Bureau of Indian Affairs

39 IBIA 66 (06/12/2003)

This decision has been redacted under 5 U.S.C. § 552(b)(6) by substituting initials for certain names.

Denying reconsideration of:

39 IBIA 48



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

B. B.,	:	Order Denying Petition for
	:	Reconsideration
Appellant	:	
	:	
v.	:	
	:	
ROCKY MOUNTAIN REGIONAL	:	Docket No. IBIA 03-93-A
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	June 12, 2003

On June 9, 2003, the Board of Indian Appeals (Board) received a letter from Appellant B. B., objecting to the May 21, 2003, decision which it issued in her appeal. 39 IBIA 48. Appellant had sought review of a March 20, 2003, decision issued by the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director), denying Appellant a share in a judgment fund awarded to the Gros Ventre Tribe of the Fort Belknap Indian Community. The Board found that it lacked jurisdiction to review the Regional Director's decision because the underlying issue involved the calculation of Appellant's Indian blood quantum, an issue which was not within its jurisdiction. See 25 C.F.R. Part 62. However, the Board remanded the case to the Regional Director for clarification as to whether he intended his decision to be final for the Department of the Interior under 25 C.F.R. § 62.10.

The Board treats Appellant's letter as a petition for reconsideration.

Appellant contends that because the Regional Director did not state that his decision was final, there is a right of appeal to the Board. This is not correct. The Board is not a court of general jurisdiction, but rather has only that authority which has been delegated to it. As it noted in its initial decision, it has not been delegated authority to review Indian blood quantum determinations. The restriction on the Board's jurisdiction arises from this fact, not from the Regional Director's failure to indicate whether his decision was final for the Department. The Board repeats that it lacks jurisdiction to review this matter.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, this petition for reconsideration is denied.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Kathleen R. Supernaw
Acting Administrative Judge