



INTERIOR BOARD OF INDIAN APPEALS

Deganawidah-Quetzalcoatl University v.
Assistant Secretary – Indian Affairs

39 IBIA 265 (03/31/2004)

Related Board case:
39 IBIA 222



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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DEGANAWIDAH-QUETZALCOATLE : Order Docketing and
UNIVERSITY, : Dismissing Appeal
Appellant :
v. :
ASSISTANT SECRETARY – INDIAN : Docket No. IBIA 04-77-A
AFFAIRS, :
Appellee : March 31, 2004

Appellant Deganawidah-Quetzalcoatlé University seeks review of an undated decision issued by the Assistant Secretary – Indian Affairs (Assistant Secretary), concerning Appellant’s eligibility for funding under the Tribally Controlled College or University Assistance Act during fiscal year 2004. The Assistant Secretary’s decision dismissed Appellant’s appeal from a November 26, 2003, decision of the Director of the Office of Indian Education Programs (Director). For the reason discussed below, the Board of Indian Appeals (Board) docketed this appeal, but dismisses it for lack of jurisdiction. ^{1/}

The Board has not been delegated general authority to review decisions of the Assistant Secretary. It has authority to review those decisions only when the decision at issue specifically grants a right of appeal to the Board or there is a general regulation granting such a right. See Haney v. Acting Assistant Secretary – Indian Affairs, 39 IBIA 25 (2003); Shawnee Tribe v. Assistant Secretary – Indian Affairs, 39 IBIA 4 (2003). This is not such a case. 25 C.F.R. Part 2 provides the Board with authority to review administrative actions of certain officials subordinate to the Assistant Secretary, but not administrative actions of the Assistant Secretary. The Assistant Secretary’s decision stated that it was final for the Department of the Interior.

^{1/} Appellant previously sought to appeal the Director’s Nov. 26, 2003, decision to the Board. The Board dismissed that appeal for lack of jurisdiction and referred it to the Assistant Secretary. Deganawidah-Quetzalcoatlé University v. Director, Office of Indian Education Programs, 39 IBIA 222 (2004).

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 dismissed for lack of jurisdiction.

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Steven K. Linscheid
Chief Administrative Judge

 // original signed
Kathleen R. Supernaw
Acting Administrative Judge