



INTERIOR BOARD OF INDIAN APPEALS

Rebecca Burgess Cook v. Acting Southern Plains Regional Director,
Bureau of Indian Affairs

40 IBIA 123 (10/06/2004)



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

REBECCA BURGESS COOK,	:	Order Docketing and Dismissing
Appellant,	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 04-140-A
ACTING SOUTHERN PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	October 6, 2004

Appellant Rebecca Burgess Cook, pro se, filed a notice of appeal concerning a July 23, 2004, decision of the Acting Southern Plains Regional Director, Bureau of Indian Affairs (Regional Director).

The July 23 decision was addressed to Charles Cooper, who had appealed the Pawnee Agency's November 25, 2003, purported cancellation of Lease No. 0-09718-02-06, Otoe Allotment No. 385-B1, Theodosia Grant, Allottee. The Regional Director found that Cooper's appeal was moot because the challenged action had not cancelled the lease, and a subsequent action — which had cancelled the lease — was the subject of a separate administrative appeal.

In an August 10, 2004, pre-docketing notice, the Board of Indian Appeals (Board) noted that it was not clear from Appellant's notice of appeal how she believes the Regional Director's decision had an adverse effect on Appellant's own interests. An appeal from an action by an official of the Bureau of Indian Affairs must be brought by a person who claims that his or her interests have been adversely affected by that action. See 25 C.F.R. § 2.2 (definitions of "appeal," "appellant," and "interested party"); 43 C.F.R. § 4.331 (appeal from a final administrative action or decision by an official of the BIA may be brought by an "interested party affected by" that action or decision).

The Board ordered Appellant, on or before September 15, 2004, to provide the Board with clarification whether she is challenging the Regional Director's decision in order protect her own interests from an adverse effect of that decision and, if so, how she is adversely affected by the decision.

The Board's August 10 order also directed Appellant to show compliance with the requirement that notices of appeal must be served on all interested parties. See 43 C.F.R. §§ 4.310(b), 4.333(a). The Board advised Appellant that failure to comply with the August 10 order could result in dismissal of her appeal.

The Board has not received any response from Appellant.

Therefore, pursuant to the authority delegated to the Board by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed this appeal, but dismisses it for failure to prosecute.

// original signed
Colette J. Winston
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge