



INTERIOR BOARD OF INDIAN APPEALS

Seminole Nation of Oklahoma v. Eastern Oklahoma Regional Awarding Official,
Bureau of Indian Affairs

41 IBIA 277 (10/04/2005)



United States Department of the Interior

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

SEMINOLE NATION OF OKLAHOMA, : Order Dismissing Appeal
Appellant, :
 :
v. :
 : Docket No. IBIA 05-104-A
EASTERN OKLAHOMA REGIONAL :
AWARDING OFFICIAL, :
BUREAU OF INDIAN AFFAIRS, :
Appellee. : October 4, 2005

The Seminole Nation of Oklahoma (Tribe) appealed from an August 17, 2005, decision issued by the Eastern Oklahoma Regional Awarding Official, Bureau of Indian Affairs (Awarding Official; BIA), concerning the Tribe's audit report obligations under the Indian Self-Determination and Education Assistance Act. The decision notifies the Tribe that BIA intends to continue Level I sanctions against the Tribe, and to impose Level II sanctions, if the Tribe does not submit a single agency audit report for fiscal year 2004 by September 30, 2005.

The information in the appeal was insufficient for the Board of Indian Appeals (Board) to determine whether the Awarding Official's decision falls within the Board's jurisdiction under 25 C.F.R. § 900.150(a)-(i). Therefore, pursuant to 25 C.F.R. § 900.160(a)(2), the Board requested further statements from the parties.

Through responses received by the Board on September 28 and 29, 2005, both the Awarding Official and the Tribe have now requested that this appeal be dismissed as moot, based on resolution of the dispute between them. Neither, however, provided additional details regarding the context in which the Awarding Official's August 17, 2005, decision was made.

Because the record remains insufficient to determine whether the Board would otherwise have subject jurisdiction over this appeal, *cf. Thlopthlocco Tribal Town*, 41 IBIA 259 (2005) (dismissing appeal and referring it to the Interior Board of Contract Appeals), the Board construes the Tribe's request for dismissal as a withdrawal of its appeal and grants the request.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses this appeal.

I concur:

 // original signed
Steven K. Linscheid
Chief Administrative Judge

 // original signed
David B. Johnson
Acting Administrative Judge