



INTERIOR BOARD OF INDIAN APPEALS

Nelson Blaine, Jr. v. Aberdeen Area Director, Bureau of Indian Affairs

21 IBIA 173 (02/05/1992)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

NELSON BLAINE, JR.,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 92-20-A
ABERDEEN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	February 5, 1992

Appellant Nelson Blaine, Jr., sought review of an October 10, 1991, decision of the Aberdeen Area Director, Bureau of Indian Affairs (BIA; Area Director). The decision states:

This is a follow-up to the letter transmitting an opinion of the Field Solicitor and recognition of the Crow Creek Sioux Tribal Council made by the Acting Superintendent[, Crow Creek Agency, BIA,] on September 30, 1991.

In addition to the recognition of you as Chairman, Loren "Rocky" Fallis as Vice Chairman, Randy Shields as Secretary, Avery Thompson as Treasurer, Wallace Wells, Jr., Leonard Pease, Jr., and Tina Grey Owl as members, whenever a meeting is held, a quorum of four (4) members is needed, excluding you as Chairman.

The remainder of the decision provides appellant with his appeal rights.

Upon examination of appellant's notice of appeal, the Board determined that it might not have jurisdiction over the appeal. Appellant listed 12 reasons for his appeal. The Board found that only one of those reasons appeared even potentially to be based upon an independent decision of the Area Director. The remaining reasons for appeal appeared to relate to or be based upon decisions issued by the Tribal Court of the Crow Creek Sioux Tribe and/or the Northern Plains Intertribal Court of Appeals.

By order dated October 30, 1991, the Board informed appellant that it is not a court of general jurisdiction, and has only that authority which has been delegated to it by the Secretary of the Interior. The Board stated that it does not have jurisdiction to review decisions rendered by tribal courts. 43 CFR 4.1(b)(2)(i); Little Shell Tribe of Chippewa Indians of Montana v. Aberdeen Area Director, 18 IBIA 282 (1990); Thompson v. Eastern Area Director, 17 IBIA 39 (1989). Accordingly, the Board ordered appellant to show that it had jurisdiction over any part of this appeal. Appellant's response was due on or before December 2, 1991.

Appellant has not replied to the Board's order. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Aberdeen Area Director's October 10, 1991, decision is docketed and dismissed.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge