



INTERIOR BOARD OF INDIAN APPEALS

Narconon Chilocco New Life Center v. Superintendent, Pawnee Agency,
Bureau of Indian Affairs

29 IBIA 234 (07/01/1996)



United States Department of the Interior

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

NARCONON CHILOCCO	:	Order Docketing and Dismissing
NEW LIFE CENTER,	:	Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 96-80-A
SUPERINTENDENT, PAWNEE AGENCY,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	July 1, 1996

On June 28, 1996, the Board of Indian Appeals received a letter from Mike St. Amand, Legal Director of the Narconon Chilocco New Life center. Mr. St. Amand states that he is "seeking an opinion from the Board of Indian Appeals * * * regarding the time period in which to cure a default of a lease that is supervised by the Bureau of Indian Affairs." He further states that Narconon is lessee under a lease of the former Chilocco Indian School lands and that BIA has demanded payment of rent determined to be owing in a 1994 audit conducted by the office of the Inspector General. His letter continues:

Narconon has consistently taken the position that there is no unpaid rent owing. BIA officials claim there is still unpaid rent and on June 19, 1996, the Pawnee Superintendent declared Narconon to be in default and cancelled its lease. This matter is now being appealed through the Anadarko Area Office and may ultimately be formally filed with the Board of Indian Appeals if no relief is obtained at Anadarko.

I respectfully request an opinion from the Board of Indian Appeals to the following question:

Does the payment of an unpaid rental amount, whether disputed or not, to the landlord, at any time prior to final made by the Interior Department, cure the underlying breach and thereby moot the default?

I would appreciate it if you could fax a response to me * * *.

(Emphasis in original).

Mr. St. Amand's letter indicates that Narconon is seeking an advisory opinion concerning a matter which is presently pending on appeal before the Anadarko Area Director.

The Board has only those authorities delegated to it by the Secretary of the Interior. It has not been delegated authority to issue advisory opinions. Rather, its authority is limited to deciding appeals from certain decisions of BIA officials and Administrative Law Judges. 43 CFR 4.1(b)(2). Even if it had authority to issue advisory opinions, the Board would not do so in a case, such as this one, which is pending before a BIA official at the time the advisory opinion is requested.

The Board treats this request as a premature appeal from the Superintendent's June 19, 1996, decision.

Accordingly, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed but is dismissed as premature.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge