



INTERIOR BOARD OF INDIAN APPEALS

Sheila Hall v. Assistant Secretary - Indian Affairs

46 IBIA 77 (11/06/2007)



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

SHEILA HALL,)	Order Docketing and Dismissing Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 08-16-A
ASSISTANT SECRETARY - INDIAN)	
AFFAIRS,)	
Appellee.)	November 6, 2007

On November 1, 2007, the Board of Indian Appeals (Board) received a notice of appeal from Sheila Hall (Appellant), *pro se*. Appellant seeks review of an October 1, 2007, decision of the Assistant Secretary - Indian Affairs (Assistant Secretary), which denied Appellant's challenge to a Secretarial election ratifying a proposed revised constitution of the Citizen Potawatomi Nation held August 16, 2007. The Assistant Secretary advised Appellant that his decision was final for the Department of the Interior. We docket the appeal, but dismiss it for lack of jurisdiction.

The Board's jurisdiction is limited to the authority vested in it by regulation or otherwise delegated to it by the Secretary of the Interior. *See* 43 C.F.R. § 4.1(b)(2); *State of California v. National Indian Gaming Commission*, 44 IBIA 22 (2006). The Board has very limited jurisdiction to review decisions of the Assistant Secretary. *See, e.g.*, 25 C.F.R. § 83.11 (decisions on petitions for Federal tribal acknowledgment); 43 C.F.R. § 4.330 (matters specifically referred to the Board by the Assistant Secretary for review). The Board does not have general authority to review decisions of the Assistant Secretary, and this is not a case in which the Board has been delegated review authority by specific regulation, by the decision itself, or by referral from the Secretary. *Pendleton v. Assistant Secretary - Indian Affairs*, 45 IBIA 133 (2007). In the present case, the Assistant Secretary's decision expressly stated that it was final for the Department.

Therefore, 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.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge