



## INTERIOR BOARD OF INDIAN APPEALS

Paul McEvers, Woodrow “Jay” Wells, Cheryl Little Dog, and William “Bill” Old Chief v.  
Rocky Mountain Regional Director, Bureau of Indian Affairs

57 IBIA 99 (06/05/2013)



# 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

PAUL McEVERS, WOODROW “JAY”	)	Order Docketing and Dismissing
WELLS, CHERYL LITTLE DOG, AND	)	Appeal
WILLIAM “BILL” OLD CHIEF,	)	
Appellants,	)	
	)	
v.	)	Docket No. IBIA 13-079
	)	
ROCKY MOUNTAIN REGIONAL	)	
DIRECTOR, BUREAU OF INDIAN	)	
AFFAIRS,	)	
Appellee.	)	June 5, 2013

This is an appeal to the Board of Indian Appeals (Board) by Paul McEvers, Woodrow “Jay” Wells, Cheryl Little Dog, and William “Bill” Old Chief (collectively, Appellants) from inaction by the Rocky Mountain Regional Director (Regional Director), Bureau of Indian Affairs (BIA).<sup>1</sup> Appellants appealed to the Board, pursuant to 25 C.F.R. § 2.8 (appeal from inaction of official), after the Regional Director failed to respond to Appellant’s February 22, 2013, request for a decision on Appellant’s appeal to the Regional Director from a September 28, 2012, decision by BIA’s Blackfeet Agency Superintendent.<sup>2</sup>

On May 14, 2013, the Regional Director issued a decision, which affirmed the Superintendent’s decision.<sup>3</sup> Because the Regional Director has now taken action, this appeal from his inaction must be dismissed as moot.

Section 2.8 is a mechanism to prompt action by BIA. The Board’s role in a § 2.8 appeal is limited to deciding whether BIA must take action or issue a decision, and does not

---

<sup>1</sup> Appellants identify themselves as members of the Blackfeet Tribal Business Council (Council).

<sup>2</sup> The case involves a tribal government dispute. The Superintendent’s decision responded to allegations made by Appellants that certain votes taken by the Council were invalid for lack of a quorum, and their request for BIA intervention.

<sup>3</sup> The Regional Director’s decision advised Appellants and other interested parties of their right to appeal the decision on the merits to the Board.

extend to determining how BIA must act or decide a matter in the first instance, or reviewing the merits of the underlying dispute. *Goodwin v. Pacific Regional Director*, 55 IBIA 8 (2012). When a BIA official takes action by issuing a decision on the merits, a § 2.8 appeal becomes moot. *Id.*; *Graven v. Western Regional Director*, 54 IBIA 171, 171-72 & n.4 (2011).

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 docketed but dismisses this appeal as moot.

I concur:

          // original signed            
Steven K. Linscheid  
Chief Administrative Judge

          //original signed            
Thomas A. Blaser  
Administrative Judge