



INTERIOR BOARD OF INDIAN APPEALS

Yakama Nation Credit Enterprise v. Northwest Regional Director, Bureau of Indian Affairs

57 IBIA 144 (06/20/2013)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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YAKAMA NATION CREDIT)	Order Vacating Decision and
ENTERPRISE,)	Remanding
Appellant,)	
)	
v.)	
)	Docket No. IBIA 13-052
NORTHWEST REGIONAL)	
DIRECTOR, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	June 20, 2013

Yakama Nation Credit Enterprise (Appellant) appealed to the Board of Indian Appeals (Board) from a December 12, 2012, decision (Decision) of the Northwest Regional Director (Regional Director), Bureau of Indian Affairs (BIA), concerning a restriction on Mary Settler’s Individual Indian Money (IIM) account.¹

On June 10, 2013, the Board received a motion from the Regional Director for a remand of the Decision. The Regional Director states that he wishes to give further consideration to whether Appellant submitted sufficient documentation to demonstrate that it had obtained a valid restriction on Settler’s IIM account. The Regional Director represents that Appellant does not object to the motion.²

The Regional Director’s motion is granted.

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 Regional Director’s December 12, 2012,

¹ In a March 16, 2012, decision, BIA’s Yakama Agency Superintendent decided that a restriction on Settler’s IIM account should be removed. The Regional Director affirmed on other grounds, concluding that Appellant had not provided an adequate evidentiary foundation to support a restriction on Settler’s IIM account.

² Appellant and the Regional Director preserve the arguments made or which could have been made in this appeal, presumably to the extent those arguments may be relevant to the new decision to be issued on remand.

decision is vacated and the case is remanded to him for further consideration and issuance of a new decision.³

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge

³ In his motion, the Regional Director states that he does not intend to revisit the portion of the Decision in which he concluded that certain assignment and power-to-lease forms signed by Settler and BIA created perfected security interests. The Regional Director states that this portion of the Decision was not appealed “and has become final for the Department.” Regional Director’s Unopposed Motion for Remand at 1; *but cf. Alturas Indian Rancheria v. Pacific Regional Director*, 54 IBIA 15, 16 (2011) (“It is for the Board—not individual parties or BIA—to decide whether individual components of [an appealed] decision may be so distinct from issues raised on appeal that a portion of a BIA decision should be made final and effective”). We note that this portion of the Decision was favorable to Appellant, and the Decision itself reached an overall conclusion (on other grounds) that was favorable to Settler. Thus, it is not clear what significance the Regional Director attributes to the fact that no party sought to appeal this portion of the Decision.