



INTERIOR BOARD OF INDIAN APPEALS

Laura Jarvis and Jennifer M. Reeder v. Southern Plains Regional Director,
Bureau of Indian Affairs

57 IBIA 184 (07/01/2013)

Related Board cases:

55 IBIA 201

57 IBIA 223

58 IBIA 40



United States Department of the Interior

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INTERIOR BOARD OF INDIAN APPEALS
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LAURA JARVIS and JENNIFER M. REEDER,)	Order Docketing and Dismissing Appeals
Appellants,)	
)	
v.)	
)	Docket Nos. IBIA 13-040
SOUTHERN PLAINS REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS,)	13-057
Appellee.)	July 1, 2013

In Docket No. IBIA 13-040, Laura Jarvis, as Treasurer of the Caddo Nation of Oklahoma (Tribe),¹ appealed to the Board, pursuant to 25 C.F.R. § 2.8 (appeal from inaction of official), from the failure of the Southern Plains Regional Director (Regional Director), Bureau of Indian Affairs (BIA), to make a determination regarding Tribal Council Resolution No. 08-2012-01 (Resolution) to retrocede the Tribe’s Indian Self-Determination and Education Assistance Act (ISDA) grants and contracts to BIA, “effective immediately.” On January 10, 2013, after Jarvis filed her appeal, the Regional Director issued a decision returning the Resolution to the Tribe, finding that it failed to conform to the ISDA regulations, *see* 25 C.F.R. § 900.242. Letter from Acting Regional Director to Tribe, Jan. 10, 2013 (Decision). The Regional Director’s issuance of the Decision renders Jarvis’s appeal from his inaction moot, and we dismiss Jarvis’s appeal accordingly. *See McEvers v. Rocky Mountain Regional Director*, 57 IBIA 99, 99-100 (2013) (issuance of a decision by a BIA official renders moot an appeal from the official’s inaction).²

¹ This case involves a tribal government dispute. The Board’s use of the titles claimed by the appellants in this case, and the Board’s reference to actions purportedly taken by or on behalf of tribal officials, tribal entities, or the Tribe, shall not be construed as expressing any view on the underlying merits of the tribal dispute.

² Because we dismiss Jarvis’s appeal as moot, we need not address whether she complied with the requirements of § 2.8 before filing her appeal. *See* Docket No. IBIA 13-040, Order to Show Cause, Dec. 21, 2012; *id.*, Letter from Jarvis to Board, Jan. 9, 2013.

In Docket No. IBIA 13-057, Jennifer M. Reeder, as Secretary of the Tribe, appealed to the Board from the Decision.³ But in her notice of appeal, Reeder contended that after the Decision was issued, the Tribal Council amended the Resolution to make it conform to the ISDA regulations and to the Decision. Because it appeared that the amended resolution rendered moot Reeder's appeal from the Decision on the original Resolution,⁴ the Board ordered Reeder to show cause, on or before March 15, 2013, why her appeal should not be dismissed as moot. *See* Docket No. 13-057, Order to Show Cause, Feb. 22, 2013 (OSC). The Board advised Reeder that if she failed to respond, her appeal might be dismissed without further notice.

The Board has received no response from Reeder to the OSC.⁵

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 both appeals but dismisses Docket No. IBIA 13-040 as moot and dismisses Docket No. IBIA 13-057 as moot and for failure to prosecute.⁶

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge

³ Jarvis did not appeal from the Decision.

⁴ Mootness occurs when nothing turns on the outcome of an appeal. *Whiteskunk v. Acting Southern Plains Regional Director*, 43 IBIA 96, 102-03 (2006).

⁵ On June 17, 2013, the Board received a new appeal from Reeder from alleged inaction by the Regional Director on the amended resolution. *See Reeder v. Southern Plains Regional Director* (docket number not yet assigned).

⁶ We consolidate the two appeals for purposes of our disposition. Because we dismiss Reeder's appeal as moot and for failure to prosecute, we do need not address whether Reeder would otherwise have standing to appeal from the Decision.