



INTERIOR BOARD OF INDIAN APPEALS

Brenda J. Laweka v. Navajo Regional Director, Bureau of Indian Affairs

58 IBIA 193 (02/20/2014)



# 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

BRENDA J. LAWEKA,	)	Order Dismissing Appeal
Appellant,	)	
	)	
v.	)	Docket No. IBIA 13-103
	)	
NAVAJO REGIONAL DIRECTOR,	)	
BUREAU OF INDIAN AFFAIRS,	)	
Appellee.	)	February 20, 2014

Brenda J. Laweka (Appellant) appealed to the Board of Indian Appeals (Board) from a November 20, 2012, decision of the Navajo Regional Director (Regional Director), Bureau of Indian Affairs (BIA), to grant a right-of-way across Navajo Allotment No. 1628 to the Navajo Tribal Utility Authority (NTUA), to continue operating and maintaining an existing 115 kV electric transmission line, for a term of 20 years.<sup>1</sup>

Upon receiving the appeal, the Board ordered Appellant, on or before June 21, 2013, to complete service of her notice of appeal by sending copies to NTUA, as an interested party, and to the Assistant Secretary – Indian Affairs. *See* Pre-Docketing Notice, June 3, 2013.<sup>2</sup> The Board subsequently provided Appellant additional time to inform the Board whether she had completed the service requirements. *See* Second Order, July 30, 2013. After receiving correspondence from Appellant expressing some confusion about her obligations, the Board issued a Third Order for Appellant to Complete Service, on or before January 6, 2014, and to inform the Board that she had done so. *See* Third Order, Dec. 12, 2013, at 2. The Board advised Appellant that she could, if she wished, request assistance from the Regional Director in complying with the order, but that it was her responsibility to request such assistance. The Board advised Appellant that if she failed to comply with the service requirement, her appeal might be dismissed without further notice. *Id.*

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<sup>1</sup> Appellant filed her appeal after receiving notice of the decision from the Regional Director in a letter dated April 1, 2013.

<sup>2</sup> The Board reserved the issue of notice procedures for the additional interested parties, i.e., other landowners, who apparently number over 200 individuals.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's Third Order on December 17, 2013.

The Board has received no response from Appellant.<sup>3</sup>

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 dismisses the appeal for failure to prosecute.

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Thomas A. Blaser  
Administrative Judge

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<sup>3</sup> The Board also contacted the Navajo Regional Office to determine whether Appellant had contacted it to request assistance, and was informed that she had not contacted that office after the Board issued the Third Order.