



INTERIOR BOARD OF INDIAN APPEALS

Blackfeet Tribal Business Council v. Rocky Mountain Regional Director,
Bureau of Indian Affairs

58 IBIA 195 (02/20/2014)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ARLINGTON, VA 22203

BLACKFEET TRIBAL BUSINESS)	Order Docketing and Dismissing
COUNCIL,)	Appeal
Appellant,)	
)	
v.)	
)	Docket No. IBIA 14-045
ROCKY MOUNTAIN REGIONAL)	
DIRECTOR, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	February 20, 2014

On December 26, 2013, the Board of Indian Appeals (Board) received a “Notice of Appeal” signed by Willie A. Sharp, Jr., as Chairman and on behalf of the Blackfeet Tribal Business Council (Appellant), addressed to the Director (Director) of the Bureau of Indian Affairs (BIA). The Notice of Appeal appears to seek review of a December 4, 2013, decision (Decision) of the BIA Rocky Mountain Regional Director (Regional Director).¹ Appellant sent the Notice of Appeal to the Director, who forwarded it to the Board, as a misdirected appeal. We docket but dismiss the appeal because in response to our order for Appellant to complete service of its Notice of Appeal, Appellant failed to comply with our order and disclaims any intent to invoke its appeal rights to the Board.

On receipt of the appeal, the Board ordered Appellant, on or before January 24, 2014, to complete service of the Notice of Appeal on the Assistant Secretary – Indian Affairs and additional interested parties, and to certify to the Board that it had done so. *See* Pre-Docketing Notice, Jan. 2, 2014, at 1-2. The Board advised Appellant that if it failed to comply, the Board might dismiss the appeal without further notice. *Id.*

¹ The Decision addresses the quorum requirements in the Blackfeet Tribe’s Constitution and Bylaws and makes a determination of the individuals who constitute the Blackfeet Tribal Business Council.

This case involves a tribal dispute. The Board’s references to actions taken by or on behalf of tribal officials, tribal entities, or the Tribe, and the Board’s use of titles claimed by various individuals, shall not be construed as expressing any view on the underlying merits of the dispute.

In response, the Board received from Appellant a copy of a letter from Appellant to the Director, stating that Appellant's Notice of Appeal "was not intended to be an appeal to [the Board]." Letter from Willie A. Sharp, Jr. to Director, BIA, Jan. 24, 2014, at 1. Appellant states that it did not authorize the Director to transmit the appeal to the Board and that it "want[s] to make clear that we do NOT have an appeal [before the Board]." *Id.* Consistent with these statements, the letter provides no indication that Appellant complied with the Board's order to complete service, nor has Appellant separately provided any such certification to the Board.²

Based on Appellant's failure to comply with the Board's order, and statements disclaiming an interest in appealing to the Board, the Board concludes that Appellant did not intend to invoke its rights under the regulations to appeal the Decision, and instead apparently seeks the Director's involvement outside of the regulatory process.

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 the appeal but dismisses it for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge

² We note that in addition to failing to serve the Notice of Appeal on all interested parties, Appellant's January 24 letter also was not copied to any tribal interested parties.