



INTERIOR BOARD OF INDIAN APPEALS

Great American Life Insurance Company v. Acting Chief, Division of Capital Investment,
Office of Indian Energy and Economic Development

58 IBIA 214 (03/06/2014)



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

GREAT AMERICAN LIFE)	Order Dismissing Appeal and Granting
INSURANCE COMPANY,)	Request for Remand
Appellant,)	
)	
v.)	
)	Docket No. IBIA 14-053
ACTING CHIEF, DIVISION OF)	
CAPITAL INVESTMENT, OFFICE OF)	
INDIAN ENERGY AND ECONOMIC)	
DEVELOPMENT,)	
Appellee.)	March 6, 2014

Great American Life Insurance Company (Appellant) appealed to the Board of Indian Appeals from a December 23, 2013, decision (Decision) of the Acting Chief, Division of Capital Investment, Office of Indian Energy and Economic Development, Office of the Secretary (Acting Chief), denying Appellant’s claim for loss under Loan Guarantee No. G103D1A15101.

On February 28, 2014, the Board received an entry of appearance and a request for remand from the Director, Office of Indian Energy and Economic Development (Director). The Director asserts that remanding the Decision would moot a jurisdictional issue that the Board, in its January 29, 2014, pre-docketing notice and order, instructed the parties to address. Request for Remand at 1. The Director also states that Appellant does not object to the request for remand. *Id.* at 3.

In requesting remand, the Director cites cases in which we granted a request for voluntary remand and also vacated the underlying decision. *See, e.g., Froelich v. Acting Great Plains Regional Director*, 51 IBIA 173, 173 (2010); *see also Yakama Nation v. Northwest Regional Director*, 52 IBIA 262, 263 n.2 (2010) (“an order of vacatur is the Board’s normal procedure in granting a motion for a voluntary remand, even if not accompanied by a motion to vacate”). But, here, the Director asserts that she supervises the Acting Chief and requests that we not vacate the Decision so that she may review it. Request for Remand at 1. We construe this as an admission that the Decision is not, as it purported to be, “final for the Department of the Interior,” Decision at 2, that it remains subject to further review, and that this appeal is premature. Accordingly, we remand without vacating the Decision.

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 and dismisses the appeal and remands the matter to the Director for further consideration.

I concur:

// original signed
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge