



INTERIOR BOARD OF INDIAN APPEALS

Mary Nowlin v. Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs

58 IBIA 230 (04/02/2014)

Petition for Reconsideration Dismissed:

59 IBIA 131



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

MARY NOWLIN,)	Order Docketing and Dismissing
Appellant,)	Appeal
)	
v.)	
)	Docket No. IBIA 14-068
ACTING EASTERN OKLAHOMA)	
REGIONAL DIRECTOR, BUREAU)	
OF INDIAN AFFAIRS,)	
Appellee.)	April 2, 2014

On March 24, 2014, the Board of Indian Appeals (Board) received a notice of appeal from Mary Nowlin (Appellant). Appellant seeks review of an October 31, 2013, decision (Decision) of the Acting Eastern Oklahoma Regional Director (Regional Director), Bureau of Indian Affairs (BIA), affirming a decision by the BIA Chickasaw Agency Acting Superintendent not to issue a Certificate of Degree of Indian Blood (CDIB) to Appellant.¹ The Decision states that it is final for the Department of the Interior (Department). We docket this appeal, but dismiss it because the Board does not have jurisdiction to review adverse enrollment actions by BIA officials, which include actions regarding Indian blood degree certifications.

The Board's jurisdiction is limited to the authority vested in it by regulation or otherwise delegated to it by the Secretary of the Interior. *See* 43 C.F.R. § 4.1(b)(1); *State of California v. National Indian Gaming Commission*, 44 IBIA 22, 22 (2006). The Board does not have jurisdiction to review decisions concerning the certification of degree of Indian blood. *See* 43 C.F.R. § 4.330(b)(1) (no jurisdiction to review tribal enrollment decisions); 25 C.F.R. § 62.4(a)(6) (an adverse tribal enrollment action includes the certification of degree of Indian blood by a BIA official); *Sanders v. Eastern Oklahoma Regional Tribal Government Officer*, 50 IBIA 307, 307 (2009) (dismissing appeal from decision declining to issue appellant a certificate of degree of Indian blood); *Harrison v. Eastern Oklahoma Regional Director*, 37 IBIA 144, 144-45 (2002) (same).

The regulations that govern the issuance of Indian blood degree certifications, 25 C.F.R. Part 62, contain their own appeal procedures, which do not include a right of

¹ The Superintendent's decision was dated April 11, 2013.

appeal to the Board. *See* 25 C.F.R. §§ 62.4-62.12. Instead, when an appeal from an adverse enrollment action by a superintendent is decided by a regional director, the regional director's decision "shall be final for the Department." *Id.* § 62.10(a). In the present case, the Decision states that it is final for the Department, *see* Decision at 5 (unnumbered), which means that there is no further right of appeal within the Department.²

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 but dismisses this appeal for lack of jurisdiction.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge

² The Board notes that among the documents enclosed with Appellant's notice of appeal, dated March 19, 2014, is a letter from her to the Secretary of the Interior, dated November 14, 2013, asking the Secretary to investigate the Regional Director's denial of her request for a CDIB. The Board's decision is limited to dismissing Appellant's appeal for lack of jurisdiction, and does not purport to respond to her correspondence to the Secretary regarding the Decision.