



INTERIOR BOARD OF INDIAN APPEALS

Craig Marlow v. Northwest Regional Director, Bureau of Indian Affairs

63 IBIA 21 (04/19/2016)



United States Department of the Interior

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

CRAIG MARLOW,)	Order Vacating Decision and
Appellant,)	Remanding
)	
v.)	
)	
NORTHWEST REGIONAL)	Docket No. IBIA 16-024
DIRECTOR, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	April 19, 2016

Craig Marlow, d/b/a Marlow Farms LLC (Appellant), appealed to the Board of Indian Appeals (Board) from an October 21, 2015, decision (Decision) of the Northwest Regional Director (Regional Director), Bureau of Indian Affairs (BIA), denying Appellant’s request for a refund of certain Operation and Maintenance (O&M) charges associated with three leases of lands on the Fort Hall Irrigation Project that were cancelled by mutual consent.¹ Appellant contends that BIA erred in denying the requested refund.

On April 11, 2016, the Board received a motion from the Regional Director to remand. As a general rule, the Board will grant a BIA regional director’s motion for a voluntary remand. *See Merrifield v. Acting Pacific Regional Director*, 62 IBIA 52 (2015), and cases cited therein. The Board has recognized that a BIA official has a broad right to seek a remand to permit further consideration of a matter and issuance of a new decision. *Id.*

The Board grants the motion, vacates the Decision, and remands the case for further consideration and issuance of a new decision. On remand, the Regional Director shall consider and address, as appropriate, the issues and arguments raised by Appellant in his notice of appeal.²

¹ The three leases associated with the O&M charges are FE11300217, 1130881317, and 1130871317.

² Appellant did not file an opening brief, but did include arguments in his notice of appeal.

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 vacates the Regional Director's October 21, 2015, decision, and remands the case for further consideration and issuance of a new decision.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge