



INTERIOR BOARD OF INDIAN APPEALS

Charlie and Geralda M. Chacon v. Southwestern Regional Director,
Bureau of Indian Affairs

36 IBIA 131 (04/25/2001)

Related Board case:
40 IBIA 251



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

CHARLIE and GERALDA M. CHACON,	:	Order Dismissing Appeal
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 01-109-A
SOUTHWESTERN REGIONAL	:	
DIRECTOR, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	April 25, 2001

Charlie and Geralda M. Chacon seek action in regard to the removal of a partial boundary fence separating their property from property of the Santa Clara Pueblo. The Chacons appear to be alleging that the fence trespasses on their property. By letter dated February 4, 2001, they wrote to the Board of Land Appeals. The Board of Land Appeals determined that the substance of the letter was not within its jurisdiction and, accordingly, sent the letter to the Board of Indian Appeals (Board) for consideration.

By order dated April 2, 2001, the Board gave the Chacons an opportunity to provide it with a copy of the decision from which they were appealing. Alternatively, in the event that there was no decision and they were attempting to force a Bureau of Indian Affairs official to issue a decision, the Board referred them to 25 C.F.R. § 2.8.

The Board received a response on April 23, 2001. The Chacons stated that there was no decision and that "it does not appear at this time that the [Board] is in a position to hear our property matter until we are first able to force a decision by the Regional Director." Response at 1. They indicated that they intended to follow the procedure set out in 25 C.F.R. § 2.8.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this case is dismissed without prejudice as premature.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge