



INTERIOR BOARD OF INDIAN APPEALS

Sally Marques v. Superintendent, Eastern Nevada Field Office,
Bureau of Indian Affairs

38 IBIA 224 (11/27/2002)



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

SALLY MARQUES,
Appellant

v.

SUPERINTENDENT, EASTERN
NEVADA FIELD OFFICE, BUREAU
OF INDIAN AFFAIRS,
Appellee

: Order Docketing, Dismissing, and
: Referring Appeal to the Western
: Regional Director
:
:
: Docket No. IBIA 03-31-A
:
: November 27, 2002

Appellant Sally Marques seeks review of a November 6, 2002, decision issued by the Superintendent, Eastern Nevada Field Office, Bureau of Indian Affairs (BIA), concerning the Shoshone blood quantum of Sadie McQueen. For the reasons discussed below, the Board docketed this appeal, dismisses it for lack of jurisdiction, and refers it to the Western Regional Director, BIA.

Appeals concerning Indian blood quantum determinations are governed by 25 C.F.R. Part 62. See 25 C.F.R. § 62.4(a)(5). Under Part 62, a decision issued by a BIA Superintendent is appealable to the BIA Regional Director with authority over that Superintendent. The Regional Director may issue a decision which is final for the Department of the Interior or may refer the matter to the Assistant Secretary - Indian Affairs. 25 C.F.R. § 62.10(a). The Board has no role in appeals concerning Indian blood quantum determinations.

In appealing to the Board, Appellant followed the instructions given in the Superintendent's decision. Because the Superintendent provided incorrect appeal instructions, the Board refers this appeal to the Regional Director and directs the Regional Director to consider the appeal to have been timely filed, regardless of whether it is actually timely when it reaches him. See 25 C.F.R. § 2.13(c).

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed, dismissed for lack of jurisdiction, and referred to the Western Regional Director, BIA.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge