



## INTERIOR BOARD OF INDIAN APPEALS

Thlopthlocco Tribal Town v. Eastern Oklahoma Regional Awarding Official,  
Bureau of Indian Affairs

41 IBIA 259 (09/28/2005)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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| THLOPTHLOCCO TRIBAL TOWN,<br>Appellant,   | : | Order Dismissing Appeal and Referring<br>Matter to Interior Board of Contract<br>Appeals |
| v.  | : |  |
| EASTERN OKLAHOMA REGIONAL<br>AWARDING OFFICIAL,<br>BUREAU OF INDIAN AFFAIRS,<br>Appellee. | : | Docket No. IBIA 05-100-A<br>September 28, 2005   |

The Thlopthlocco Tribal Town (Tribe) appeals from an August 17, 2005, decision issued by the Eastern Oklahoma Regional Awarding Official, Bureau of Indian Affairs (Awarding Official; BIA), concerning the Tribe's audit report obligations under the Indian Self-Determination and Education Assistance Act. That decision notified the Tribe that BIA intended to continue Level I sanctions against the Tribe, and to impose Level II sanctions, if the Tribe did not submit a single agency audit report for fiscal year 2004 by September 30, 2005.

The information in the appeal was insufficient for the Board of Indian Appeals (Board) to determine whether the Awarding Official's decision falls within the Board's jurisdiction under 25 C.F.R. § 900.150(a)-(i). Therefore, pursuant to 25 C.F.R. § 900.160(a)(2), the Board requested further statements from the parties. The Board also asked the Awarding Official to respond to the Tribe's assertion that it had submitted the requested audit report.

On September 23, 2005, the Board received a response from the Awarding Official, agreeing that the Tribe's audit report had been received by the Audit Clearinghouse, but providing no other details regarding the context in which his decision was made. The response enclosed a letter dated September 22, 2005, from the Awarding Official to the Tribe, "to rescind and remove the sanctions." The Awarding Official requests that this appeal be dismissed as moot.

On September 27, 2005, the Board received from the Tribe a statement explaining that the dispute arose in the context of a contract previously awarded under the Indian Self-Determination Act.

The Board of Indian Appeals does not have jurisdiction over “[d]isputes which arise after a self-determination contract has been awarded,” 25 C.F.R. § 900.151(a), and therefore this Board lacks subject matter jurisdiction over this appeal. It appears that jurisdiction over this matter properly lies with the Interior Board of Contract Appeals (IBCA), and that the IBCA is the proper forum for considering the Awarding Official’s request for dismissal on the grounds of mootness.

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 dismisses this appeal and refers the matter to the IBCA.

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Anita Vogt  
Senior Administrative Judge