



## INTERIOR BOARD OF INDIAN APPEALS

Crow Creek Sioux Tribe v. Self-Determination Officer, Great Plains Regional Office,  
Bureau of Indian Affairs

41 IBIA 204 (09/14/2005)

Related Indian Self-Determination Act case:

Administrative Law Judge decision, 11/03/2005



# 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

CROW CREEK SIOUX TRIBE,	:	Order Docketing and Dismissing
Appellant,	:	Appeal Without Prejudice and
	:	Referring Matter to the Principal
v.	:	Deputy Director, Office of Hearings
	:	and Appeals
SELF-DETERMINATION OFFICER,	:	
GREAT PLAINS REGIONAL OFFICE,	:	Docket No. IBIA 05-101-A
BUREAU OF INDIAN AFFAIRS,	:	
Appellee.	:	September 14, 2005

On September 12, 2005, the Board of Indian Appeals (Board) received a notice of appeal from the Crow Creek Sioux Tribe (Tribe), seeking review of two letters issued by the Self-Determination Officer, Great Plains Regional Office, Bureau of Indian Affairs (Self-Determination Officer; BIA). <sup>1/</sup> The Self-Determination Officer's letters notify the Tribe that BIA is reassuming, on an emergency basis pursuant to 25 C.F.R. § 900.247(a), all programs contracted to the Tribe pursuant to the Indian Self-Determination Act, 25 U.S.C. §§ 450-450n.

The Self-Determination Officer's August 24, 2005, letter advised the Tribe of a right of appeal to the Board pursuant to 25 C.F.R. §§ 900.160 and 900.161. That advice was incorrect. Those provisions do not apply to emergency reassumptions, which are governed by 25 C.F.R. §§ 900.170-.176. Under 25 C.F.R. § 900.170(b), BIA was required to directly notify the Deputy Director, Office of Hearings and Appeals, U.S. Department of the Interior, of BIA's intent to immediately reassume the contracted programs. Initial appeals from emergency reassumptions are not filed with the Board, although there is a right of appeal to the Board from the Administrative Law Judge's recommended decision. See 25 C.F.R. § 900.173.

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<sup>1/</sup> The Tribe identifies the letters as dated Aug. 29, 2005, and Aug. 30, 2005, but did not attach copies to its notice of appeal. The Board requested copies from BIA. The letters submitted by BIA appear to be the subject of this appeal, although they are dated Aug. 24, 2005, and Aug. 29, 2005.

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 this appeal, dismisses it without prejudice, and refers the matter to the Principal Deputy Director of the Office of Hearings and Appeals for further proceedings.

I concur:

          // original signed            
Steven K. Linscheid  
Chief Administrative Judge

          // original signed            
Anita Vogt  
Senior Administrative Judge