

Department of the Interior Departmental Manual

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Series: Organization

Part 112: Policy, Management and Budget

Chapter 13: Office of Hearings and Appeals

Originating Office: Office of Hearings and Appeals

112 DM 13

13.1 Creation and Purpose. The Office of Hearings and Appeals was created in 1970 by the Secretary under the authority of § 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. Appendix) in order to consolidate in one office various Departmental appeal functions, including those related to Indian affairs and the public lands. The Office handles quasi-judicial responsibilities of the Department and is the authorized representative of the Secretary for the purpose of hearing and deciding matters within the jurisdiction of the Department involving hearings and appeals.

13.2 Overall Organization. The Office of Hearings and Appeals consists of a headquarters office in Arlington, Virginia, and field offices located throughout the United States. (See attached organization chart.)

13.3 Office of the Director.

A. The Director manages and oversees all functions of the Office of Hearings and Appeals, exercising the authority of the Secretary of the Interior over hearings and appeals on matters within the jurisdiction of the Department. The Director reports to the Assistant Secretary - Policy, Management and Budget through the Deputy Assistant Secretary - Human Capital, Performance, and Partnerships.

B. The Director serves as an ex officio member of the Interior Board of Indian Appeals and the Interior Board of Land Appeals, and he or she may participate in their decisions. The Director exercises jurisdiction over the Administrative Law Judges of the Department for administrative purposes only. The Director may not direct or participate in decisions of the Administrative Law Judges.

C. The Director considers and decides, personally or through ad hoc boards of appeals established by the Director, appeals to the Secretary that do not lie within the appellate review jurisdiction of an established Appeals Board and that are not specifically excepted in the delegation of authority to the Director. Staff of the Office of the Director conduct hearings and render recommended decisions in other cases referred to the Office, including appeals from decisions of the National Indian Gaming Commission.

D. The Director is assisted by a Principal Deputy Director, who is responsible for supervising the day-to-day operations of the Office, and a Deputy Director (Counselor to the Director), who is responsible for advising the Director on long-range strategic planning, the Office's responsibilities under the Government Performance and Results Act of 1993, 107 Stat. 285, the training needs of the Office, and other matters as assigned by the Director.

13.4 **Probate Hearings Division.**

A. The Probate Hearings Division, under the direction of a Chief Administrative Law Judge, includes Administrative Law Judges, Indian Probate Judges, and Attorney Decision Makers who are authorized to conduct hearings and render decisions in Indian probate matters.

B. The Probate Hearings Division includes ten field offices, each of which is supervised by an Administrative Law Judge or Indian Probate Judge who reports to the Chief Administrative Law Judge in the headquarters office. Field offices are located as follows:

Aberdeen, South Dakota
Albuquerque, New Mexico
Anchorage, Alaska
Billings, Montana
Oklahoma City, Oklahoma
Phoenix, Arizona
Portland, Oregon
Rapid City, South Dakota
Sacramento, California
Twin Cities, Minnesota

13.5 **Departmental Cases Hearings Division.** The Departmental Cases Hearings Division, under the direction of a Supervisory Administrative Law Judge, includes Administrative Law Judges who are authorized to conduct hearings and render decisions in various cases arising within the Department. Such cases include grazing cases, mining claim contests, Native allotment contests, surface mining cases, Debt Collection Act cases, Indian Self-Determination and Education Assistance Act cases, and cases referred for hearing from the Interior Board of Indian Appeals, the Interior Board of Land Appeals, or the Office of the Director. The Departmental Cases Hearings Division is located in Salt Lake City, Utah.

13.6 **WELSA Hearings Division.** The White Earth Reservation Land Settlement Act (WELSA) Hearings Division, under the direction of an Administrative Judge, includes one or more Administrative Judges who are authorized to conduct hearings and render decisions under the White Earth Reservation Land Settlement Act of 1985, 100 Stat. 61. The WELSA Hearings Division is located in Twin Cities, Minnesota.

13.7 **Interior Board of Indian Appeals.** The Interior Board of Indian Appeals, under the direction of a Chief Administrative Judge, exercises jurisdiction over appeals from (a) administrative actions and decisions of officials of the Bureau of Indian Affairs in cases involving determinations, findings, and orders protested as a violation of a right or privilege of

the appellant, except as provided in 112 DM 13.5 and 212 DM 13.8; (b) orders and decisions of Administrative Law Judges and Indian Probate Judges in Indian probate matters; (c) decisions of the Superintendent of the Osage Indian Agency on the validity of Osage Indian wills, pursuant to 25 CFR § 17.14; (d) decisions of an Administrative Judge under the White Earth Reservation Land Settlement Act of 1985; and (e) historical accountings issued by the Office of Historical Trust Accounting. The Board also decides other matters pertaining to Indians referred to it by the Secretary, the Assistant Secretary - Indian Affairs, or the Director, Bureau of Indian Affairs.

13.8 Interior Board of Land Appeals. The Interior Board of Land Appeals, under the direction of a Chief Administrative Judge and Deputy Chief Administrative Judge, exercises jurisdiction over appeals from decisions rendered by Departmental officials, except as provided in 212 DM 13.8, relating to (a) the use and disposition of public lands and their resources and the use and disposition of mineral resources in certain acquired lands of the United States and in the submerged lands of the Outer Continental Shelf; (b) land selections under the Alaska Native Claims Settlement Act, 43 U.S.C. § 1601 *et seq.*; and (c) surface coal mining and reclamation operations under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. § 1201 *et seq.*

13.9 Administrative Division. The Administrative Division, under the direction of an Administrative Officer, provides administrative services for the Office of Hearings and Appeals.