PATRICIA L. JOHNSON,	:	Order Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 88-23-A
AREA DIRECTOR, ANADARKO	:	
AREA OFFICE, BUREAU OF	:	
INDIAN AFFAIRS,	:	
Appellee	:	May 18, 1988

On April 11, 1988, the Board of Indian Appeals (Board) received a notice of appeal from Patricia L. Johnson (appellant), Esq., pro se. Appellant seeks review of a 1986 decision of the Anadarko Area Director, Bureau of Indian Affairs (Area Director; BIA), which appellant alleges effectively removed her as an Associate Magistrate of the Anadarko Court of Indian Offenses (CFR court) and denied her wages earned while she was still employed by the CFR court.

By order dated April 13, 1988, the Board issued appellant an order to show cause why her appeal should not be dismissed for lack of jurisdiction. The order indicated that it appeared appellant should be proceeding under the employee personnel grievance procedures established by the Department of the Interior in 370 DM (Departmental Manual) Part 771. Specifically, it appeared that the relief appellant was seeking, i.e., an award of wages allegedly earned while she was a Departmental employee, related to a decision made by the Area Director as an employer, not as an administrator of Indian affairs.

Appellant's response to the show-cause order was received on May 16, 1988. Appellant attempts to show jurisdiction by alleging violations of due process and prior delay in the processing of this matter by BIA. She states that:

> 25 CFR 2.2 provides for appeals wherein a decision is protested as a violation of a right or privilege of the appellant. Appellant asserts this section of the Code of Federal Regulations in asking this Court to make a decision to entertain this case and to finally provide Appellant with a decision.

Response at page 1.

As stated in its show-cause order, the Board's jurisdiction is set forth in 43 CFR 4.1(b)(2):

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> The Board decides finally for the Department appeals to the head of the Department pertaining to (i) administrative actions of officials of the Bureau of Indian Affairs, issued under Chapter I of Title 25 of the Code of Federal Regulations, in cases involving determinations, findings and orders protested as a violation of a right or privilege of the appellant, * * * and (ii) orders and decisions of administrative law judges in Indian probate matters * * *. The Board also decides such other matters pertaining to Indians as are referred to it by the Director of the Office of Hearings and Appeals for exercise of the review authority of the Secretary. * * *

Appellant has shown no action taken by the Area Director under 25 CFR Chapter I. Instead, the only actions shown relate to appellant's employment relationship with the Department. The mere allegation of due process violations and delay in responding to the matter cannot confer additional jurisdiction upon the Board that has not been delegated by the Secretary.

The Department has provided a specific remedy for problems arising out of the employment relationship in 370 DM Part 771. This remedy does not involve review by the Board of Indian Appeals.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed for lack of jurisdiction. 1/

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Kathryn A. Lynn
Chief Administrative Judge

_____
Anita Vogt
Administrative Judge

1/ This decision in no way alters whatever rights appellant may have to pursue this matter through the Department's grievance procedure.

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