EDWARD FILESTEEL,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 92-3-A
ACTING BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 21, 1991

Appellant Edward Filesteel seeks review of an August 19, 1991, decision of the Acting Billings Area Director, Bureau of Indian Affairs (Area Director; BIA), concerning appellant's grazing permit for range unit 41 on the Fort Belknap Reservation. Pursuant to 43 CFR 4.336, on October 15, 1991, the appeal was assigned the above case name and docket number.

Appellant's notice of appeal stated that "even though the A[rea] Director's Decision is, on the surface, in [appellant's] favor, no one at Fort Belknap Agency can tell [appellant] what, if anything, the BIA will do next. [Appellant] asked that he be reinstated in his lease and that has not occurred, nor has he been compensated for his loss, either total or for one year" (Notice of appeal at 1).

A review of the administrative record and the Area Director's decision confirms that the Area Director found that appellant's permit was not properly cancelled because he was not given the 180-days' notice of cancellation required by 25 CFR 166.15(c). Although appellant may desire a decision on appeal on several other issues that the Area Director decided against him, the finding that the permit was not properly cancelled renders the present controversy moot. The Board does not consider the merits of moot appeals. See, e.g., Forrest v. Sacramento Area Director, 18 IBIA 372 (1990). 1/

Appellant's request for compensation is a request for money damages. The Board is not a court of general jurisdiction, and does not have the authority to award money damages against BIA or a tribe. See U.S. Fish Corp. v. Eastern Area Director, 20 IBIA 97, recon. denied, 20 IBIA 163 (1991), and cases cited therein.

1/ The administrative record shows that another individual has been granted a grazing permit on range unit 41, with a term running from Jan. 1, 1991, to Dec. 31, 1993. It appears that confusion has resulted in this case because a new permit was awarded during the pendency of appellant's appeal. 25 CFR 2.6 and 43 CFR 4.21(a) provide that no decision by a BIA official is effective while an appeal is pending. These regulations mean that the range unit should not have been permitted to another individual until appellant's appeal was resolved.

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Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Area Director's August 19, 1991, decision is docketed and dismissed as moot. Appellant should be reinstated as the permittee on range unit 41.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge

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