RUTH ANN ANDERSON,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 91-42-A
ACTING PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 28, 1992

Appellant Ruth Ann Anderson sought review of a December 20, 1990, decision of the Acting Portland Area Director, Bureau of Indian Affairs (Area Director; BIA), finding that three members of appellant's household were not eligible for retroactive BIA general assistance benefits, but that two other members were eligible. The Area Director explained that the three individuals were not eligible because they were not members of a Federally recognized Indian tribe. The two other individuals, including appellant, were eligible because they were enrolled members of the Port Gamble Indian Community of the Port Gamble Reservation.

Appellant's notice of appeal from this decision stated in its entirety:

> There is some confusion regarding the Notice of Appeal which I had filed in November 1990. My reason for appeal was not to question whether or not three members of my household were eligible for Retroactive General Assistance, but to determine if I may be eligible. I had been denied because of my husband's income. It was considered too high.
>
> During most of this retroactive period my husband was supporting my sons * * *; daughter * * *; grandson * * * and granddaughter * * *. Because of increased financial burden supporting the children and grandchildren, I'm requesting that my eligibility be reviewed. Thank you.

The Board requested that the Area Director review his decision in light of appellant's clarification of her reasons for her initial appeal. In a letter dated March 22, 1991, the Area Director informed appellant that he had corrected some of the calculations made by the Puget Sound Agency, but found that her household income was still too high to receive the requested retroactive general assistance payments.

Appellant filed no further arguments with the Board. The Area Director filed a brief asking that his decision be affirmed based upon appellant's failure to contest the statements or reasoning in his March 1991 decision.

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In appeals arising under 25 CFR Part 2, as this appeal does, the appellant bears the burden of proving that the agency decision complained of was erroneous or not supported by substantial evidence. See, e.g., Leroy Ames v. Acting Billings Area Director, 20 IBIA 246 (1991), and cases cited therein. In this case, the notice of appeal does not set forth any grounds for the appeal, and although she was informed of her right to do so, appellant did not file a brief indicating those grounds. Because she has not given any reasons for the appeal, or attempted to show the error in the Area Director's decision, appellant has not sustained her burden of proof.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the December 20, 1990, decision of the Acting Portland Area Director, as supplemented on March 22, 1991, is affirmed.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge

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