FORT McDERMITT PAIUTE-SHOSHONE TRIBE, Appellant	:	Order Affirming Decisions
	:	Docket Nos. IBIA 92-169-A
v.	:	IBIA 92-170-A
	:	IBIA 92-171-A
ACTING PHOENIX AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	September 21, 1992

These are appeals from three decisions of the Acting Phoenix Area Director, Bureau of Indian Affairs (Area Director; BIA), dated April 22, 1992, April 27, 1992, and April 28, 1992. The decisions denied applications for a Training and Technical Assistance Grant, a Small Tribes Grant, and a Planning Grant. For the reasons discussed below, the Board affirms the Area Director's decisions.

On December 23, 1991, BIA published an announcement of the FY 1992 Small Tribes Grant Program in the Federal Register. 56 FR 66554. On January 2, 1992, it published an announcement of the FY 1992 Training and Technical Assistance Grant Program and Planning Grant Program. 57 FR 160. Appellant submitted applications under all three programs. By letters dated April 22, 1992, April 27, 1992, and April 28, 1992, the Area Director informed appellant that its applications would not be funded. Each letter noted that appellant's applications failed to meet certain requirements under the respective programs.

Appellant filed a consolidated notice of appeal, challenging all three decisions. The only argument appellant made in its notice of appeal was that it had not received enough information from BIA to enable it to prepare adequate applications. Neither appellant nor the Area Director filed briefs.

Appellant concedes that it received a packet announcing the grant programs, presumably the same packet received by all tribes in the Phoenix Area. The administrative record shows that the Superintendent, Western Nevada Agency, BIA, offered appellant technical assistance with respect to the Training and Technical Assistance Grant Program and Planning Grant Program, but did not actually provide such assistance. 1/ With respect to the Small Tribes Grant Program, the record shows that the Superintendent both offered and provided technical assistance to appellant.

1/ The record does not show why technical assistance was not provided after being offered. It is possible that appellant simply failed to take advantage of the Superintendent's offer.

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Appellant does not contend that it either requested or was denied technical assistance. Even where technical assistance is provided, there is no guarantee that an application for financial assistance will be funded. E.g., Native Village of Kwigillingok v. Juneau Area Director, 21 IBIA 157 (1992), and cases cited therein. Further, BIA's ability to assist grant applicants after applications have been filed is limited by its duty to treat all applicants equitably. The Board has held in this regard that, once applications have been filed in a competitive grant program, BIA may consider only the information included in those applications. Caddo Indian Tribe v. Acting Anadarko Area Director, 18 IBIA 63 (1989). It was appellant's responsibility to seek technical assistance from BIA, prior to submitting its applications, if it found the initial information provided by BIA inadequate.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Area Director's decisions dated April 22, 1992, April 27, 1992, and April 28, 1992, are affirmed.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge

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