CHENEGA BAY I.R.A. COUNCIL,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 93-75-A
ACTING JUNEAU AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	September 20, 1993

Appellant Chenega Bay I.R.A. Council seeks review of an April 8, 1993, decision issued by the Acting Juneau Area Director, Bureau of Indian Affairs (Area Director; BIA), denying appellant's application for a FY 1993 Small Tribes grant. For the reasons discussed below, the Board affirms the Area Director's decision.

Pursuant to an announcement published at 57 FR 54480 (Nov. 18, 1992), appellant filed an application for a Small Tribes grant. The application was reviewed by a panel of reviewers in the Juneau Area Office. On April 8, 1993, the Area Director notified appellant that its application had received a score of 79.33 and that the lowest score for which funds could be awarded was 81.33. Accordingly, the Area Director informed appellant that its application could not be funded.

On appeal, appellant objects to two statements made by the reviewers. It contends:

> The reviewers comments of:
>
> 1. PURPOSE: "The Economic Development Planner [(Planner)] was the grant writer, who owns a consulting firm and is shown as a part-time employee of the applicant. The application, however, does not state that she is a consultant."
>
> and,
>
> 4. BUDGET JUSTIFICATION: "I question the reasonableness of the role of the [Planner] who is a professional grant writer and is being paid at a rate of $40 per hour ..."
>
> show that the reviewers have incomplete personal knowledge of our [Planner]. They know that she does contract work for various organizations around the state. However, they apparently did

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not know that she is our half time employee. She prepared the application during her regular Chenega Bay working hours. Since she is our employee, the fact that she is a consultant on her own time is not pertinent information and should not be required to be discussed in the application. Her resume, included as application appendix page A-5, shows her as an employee of the Council.

* * * * * *

It is too bad that they docked us points due to their own misinformation.

Appellant quotes excerpts from the reviewers' comments which, if read in context, indicate that the reviewers were concerned about the high rate of pay for the Planner, especially in comparison to other tribal employees, and were also concerned about the cost of the proposed training program, which was to be conducted by an outside contractor. 1/ In addition, there is a suggestion that the reviewers questioned whether the Planner was truly an employee of appellant.

Appellant's application shows that the Planner was to be employed under the proposed grant for 5 hours per month at a rate of $40 per hour. Three other employees were to be paid at the rates of $17.30 per hour (Administrator), $15 per hour (Bookkeeper), and $10.50 per hour (Secretary). The application also shows that the Planner operated her own business as a grant writer and administrator, that she lived in Anchorage, and that she planned to travel to Chenega Bay with the contractor for the training sessions to be funded by the grant.

1/ Under "Purpose," the reviewers stated:

"Of the $33,180 requested, at least $18,400, or over 50%, is for contracting w/ a professional consulting firm to provide what appears to be continuing training from the firm 'PGS.'

"In addition, the Economic Development Planner was the grant writer, who owns a consulting firm and is shown as a part-time employee of the applicant. The application, however, does not state that she is a consultant."

Under "Budget Justification," the reviewers stated:

"I question the reasonableness of the role of the Economic Development Planner, who is a professional grant writer and is being paid at a rate of $40 p/hour and the Council Administrator is being paid only $17.30 p/hour. I also question the $16,000 for the Governing Board Training. The firm has apparently conducted similar training under another grant."

The comments appear to have been written by one person, but the scores of all three reviewers are recorded on the same pages which contain the comments. It appears likely that all the reviewers concurred in the comments.

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Appellant contends that the reviewers' comments concerning the planner were based on incomplete knowledge of her status. However, it was appellant's responsibility to furnish enough information in its application to enable the reviewers to understand the situation fully. 2/ Cf. Fort Sill Apache Tribe v. Anadarko Area Director, 24 IBIA 190 (1993) (grant applicant bears the burden of demonstrating in its application that it is eligible for a grant). On the basis of the information in appellant's application, the Board cannot say that the reviewers' concerns about the Planner's pay and her status as a tribal employee were unwarranted.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Acting Juneau Area Director's April 8, 1993, decision is affirmed.

_____
Anita Vogt
Administrative Judge

_____
Kathryn A. Lynn
Chief Administrative Judge

2/ Although appellant suggests that the reviewers did not read the Planner's resume, which was included in the grant application, it is apparent from the reviewers' comments that they knew the Planner was identified in the application as appellant's employee.

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