SILETZ TRIBE,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 94-154-A
ACTING PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 11, 1994

Appellant Siletz Tribe seeks review of a May 6, 1994, decision of the Acting Portland Area Director, Bureau of Indian Affairs (Area Director; BIA), disapproving appellant's application for a FY 1994 Planning grant. For the reasons discussed below, the Board of Indian Appeals (Board) affirms that decision.

Pursuant to an announcement of the availability of funding published in the Federal Register, 58 FR 68704 (Dec. 28, 1993), appellant applied for a FY 1994 Planning grant. The application was reviewed by a panel in the Portland Area Office. By letter dated May 6, 1994, the Area Director informed appellant that its application had not received a high enough score to be funded. The Area Director provided appellant with copies of the rating sheets prepared by each of the review panel members.

Appellant appealed, this disapproval, stating:

> [We] submitted a grant application which received a total rating of 302 points, Ranking 8th. [We] lost points on a missing page 12, a copy of which is enclosed.
>
> At the time of submission, [we] included page 12. It is our belief that the Siletz Agency lost the page, which spoke to Criteria D: Management or Self-Monitoring. This page was a major component of the grant application. Without this page, the grant application lost a large number of points, which resulted in a ranking which did not met the criteria for funding.
>
> We request that you reconsider the ranking and evaluation of [our] application, including page 12 of the application. If the page had not been lost in copying and forwarding, we believe we would have had enough points in our application to be selected for funding.

Although advised of its right to do so, appellant did not file additional arguments with the Board.

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Section 6 of the program announcement required each applicant to submit an original and two copies of its application. The rating sheet for each of the four reviewers indicates either that page 12 was missing or that there was no discussion of monitoring. It is unlikely that each of the reviewers would have lost the same page from the center of appellant's application. It seems more likely that the page was omitted accidentally either as it was printed and/or assembled or when it was reproduced prior to submission.

The Board has previously addressed arguments that pages of a grant application were alleged lost or inadvertently omitted from the application. In Sac and Fox Nation v. Chief, Branch of Judicial Services, 26 IBIA 203, recon. denied, 26 IBIA 255 (1994) (Special Tribal Court grant program), the Board held that it is an applicant's responsibility to ensure that its application is complete upon receipt by BIA. See also Akiak Native Community v. Acting Juneau Area Director, 26 IBIA 232 (1994) (Small Tribes grant program) .

Furthermore, the information on page 12 cannot be considered at this time. The Board has consistently held that, in competitive grant programs, consideration of information presented after the deadline for submission of an application would violate BIA's and the Board's duty to give fair and equitable consideration to all grant applications by giving some applicants two chances to submit an acceptable application. See Baltimore American Indian Center v. Eastern Area Director, 26 IBIA 189 (1994), and cases cited therein.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Acting Portland Area Director's May 6, 1994, decision is affirmed.

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Kathryn A. Lynn
Chief Administrative Judge

_____
Anita Vogt
Administrative Judge

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