BURTON HAWK,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 96-5-A
ASSISTANT SECRETARY -	:	
INDIAN AFFAIRS,	:	
Appellee	:	November 1, 1995

On October 31, 1995, the Board of Indian Appeals (Board) received a copy of a notice of appeal filed by Burton Hawk (appellant). Appellant seeks review of an August 31, 1995, decision issued by the Assistant Secretary - Indian Affairs, declining to reconsider appellant's application for flood disaster assistance. The notice of appeal is dated October 6, 1995, and shows the Board's correct address. The Board first learned of the appeal when it was contacted about it by the Division of Housing Assistance of the Bureau of Indian Affairs (BIA) in Washington, D.C. That office provided the Board with a copy of the notice of appeal.

Appellant's appeal was apparently filed in response to an undated letter to him from the Superintendent, Concho Agency, BIA. The letter informs appellant that the Assistant Secretary's decision may be appealed to this Board.

The Superintendent's information concerning the right of appeal is incorrect. 25 CFR 2.6(c) provides that decisions issued by the Assistant Secretary "shall be final for the Department." 25 CFR 2.4(e) states that the Board may issue decisions in appeals "from a decision made by an Area Director or a Deputy to the Assistant Secretary - Indian Affairs other than the Deputy to the Assistant Secretary - Indian Affairs/Director (Indian Education Programs)." Because the Board does not have general review authority over decisions issued by the Assistant Secretary, this appeal must be dismissed for lack of jurisdiction. 1/

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 Assistant Secretary's August 31, 1995, decision is docketed and dismissed for lack of jurisdiction.

Kathryn A. Lynn	Anita Vogt
Chief Administrative Judge	Administrative Judge

1/ Because of this disposition, the Board does not address the issue of whether this appeal was timely filed. See American Land Development Corp. v. Acting Phoenix Area Director, 25 IBIA 120 (1994).

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