SUSAN J. WATERWORTH,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 98-63-A
ACTING PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 24, 1998

The Board received Appellant's notice of appeal in this matter on February 17, 1998. It appeared from the notice that Appellant was attempting to appeal an August 21, 1997, decision issued by the Superintendent, Puget Sound Agency, Bureau of Indian Affairs, concerning Appellant's rent under Lease 7265, Cobahud Lot 49, on the Swinomish Indian Reservation. However, a partial copy of the Superintendent's decision, which was attached to the notice of appeal, showed that Appellant had been properly advised that the decision was appealable to the Portland Area Director, BIA.

The Board contacted the Portland Area Office and learned that Appellant had filed a timely appeal of the Superintendent's decision with that office and that the Acting Area Director had issued a decision in the appeal on December 22, 1997. The Board also learned that Appellant received that decision on January 16, 1998, making her notice appeal to the Board timely, as well as properly filed, if construed as an appeal from the Acting Area Director's decision. The Board gave Appellant the benefit of the doubt and assumed that she intended to appeal from the Acting Area Director's decision.

The Acting Area Director summarily dismissed Appellant's appeal under 25 C.F.R. § 2.17(b). His decision indicated: (1) Appellant's notice of appeal to him stated only: "This letter is to serve as my appeal regarding the outrageous rate increase on my lease. My statement of reasons will be forwarded within 30 days;" (2) Appellant failed to file a statement of reasons; (3) Appellant was given an opportunity to amend her appeal documents in accordance with 25 C.F.R. § 2.17(b)(1) by filing a belated statement of reasons; and (4) Appellant again failed to file a statement of reasons.

Noting that Appellant's notice of appeal did not address the Acting Area Director's decision, the Board gave Appellant an opportunity to show why that decision should not be summarily affirmed. Appellant was advised that failure to respond to the Board's order by March 30, 1998, would result in summary affirmance of the Area Director's decision.

Appellant has not responded.

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Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed, and the Acting Area Director's December 22, 1997, decision is affirmed.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge

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