Indians

Revised as of April 1, 1987

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AS OF APRIL 1, 1987

With Ancillaries

Published by
the Office of the Federal Register
National Archives and Records
Administration
as a Special Edition of
the Federal Register
§ 118.20
intend to continue to reside away from the reservation and evidence, satisfactory to the superintendent, of their competency and ability to support themselves and manage their own affairs.

§ 118.20 Definition of “adult” and “minor.”
The term “adult” shall include all members of the tribe 18 years of age or over, and the term “minor” shall include all members of the tribe less than 18 years of age.

PART 120—REIMBURSEMENT OF THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION, UTAH

ADJUDICATION OF CLAIMS OF FORMER MIXED-BLOOD MEMBERS

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AUTHORITY: Sec. 3, 84 Stat. 843.


ADJUDICATION OF CLAIMS OF FORMER MIXED-BLOOD MEMBERS

§ 120.1 Definitions.
As used in this part—
(a) “Secretary” means the Secretary of the Interior or his authorized representative.
(b) “Commissioner” means the Commissioner of Indian Affairs.
(c) “Financial Management Officer” means the Chief of the Division of Financial Management, Post Office Box 127, 500 Gold Avenue SW, Albuquerque, NM 87103.
(d) “Heirs” means those persons entitled to inherit under State law from a person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).
(e) “Legatee” means those persons entitled to personality or realty under a valid will of a person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

(36 FR 4870, Mar. 13, 1971; 36 FR 6080, Apr. 2, 1971)

§ 120.2 Purpose.
The rules in this part are to govern payment to be made by the Secretary pursuant to section 3 of the Act of September 18, 1970, to those persons whose names appear on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868) or to their heirs or legatees.

§ 120.3 Eligibility for reimbursement.
Each person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868) or their heirs or legatees may obtain a copy of the form for Claim for Reimbursement Due as provided by Pub. L. 91-403, approved September 18, 1970, by request directed to the Financial Management Officer, Bureau of Indian Affairs, Post Office Box 127, 500 Gold Avenue SW, Albuquerque, NM 87103. The completed claim must be filed with the Financial Management Officer at the same address not later than September 18, 1973.

§ 120.4 Information required from claimant.
Each Claim for Reimbursement shall contain the following information:
(a) The name and address of the claimant, and if the claimant is a minor or mental incompetent, the name, address, and representative capacity of the person executing the claim on behalf of the minor or mental incompetent.
(b) The roll number if the claimant is an enrollee on the roll of mixed-blood Indians prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).
(c) The name and roll number of the deceased enrollee through which a legatee is claiming and the place and date
of the deceased enrollee's death. A certified copy of the decree of distribution or other final order of the probate court should be submitted with the Claim for Reimbursement.

(d) The name and roll number of the deceased enrollee through which an heir is claiming, the place and date of the deceased enrollee's death and the relationship of the claimant to the deceased enrollee accompanied by copies of birth or marriage certificates or other evidence proving the relationship.

§ 120.5 Burden of proof.

The burden of proof rests upon the claimant to establish that he or she is entitled to reimbursement as an enrollee, heir, or legatee.

§ 120.6 Appeals.

Any person whose claim for reimbursement is rejected may appeal by filing such appeal in writing with the Financial Management Officer not more than thirty (30) days from receipt of the notice of rejection. The claimant must submit with his appeal any supporting data not previously furnished. When upon review of the evidence submitted by the appellant, the Financial Management Officer is satisfied that the claimant has established his right for reimbursement, the appellant shall be so notified. In any case where the Financial Management Officer determines the claimant ineligible, the Financial Management Officer shall forward the appeal together with the complete record and his recommendation thereon to the Commissioner for transmittal to the Secretary.

§ 120.7 Action by the Secretary.

The decision by the Secretary on an appeal shall be final and the claimant shall be given written notice of the decision.

§ 120.8 Special Instruction.

To facilitate the work of the Financial Management Officer, the Commissioner may issue special instruction not inconsistent with the rules of this part.

PART 121—DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE OSAGE TRIBE OF INDIANS IN OKLAHOMA

§ 121.1 Definitions.

121.2 Purpose.

121.3 Notice of time limit and place for filing claims.

121.4 Issuance of Orders of Distribution.

121.5 Segregation of per capita shares.

121.6 Distribution of share of deceased allottee.

121.7 Notice of orders to claimants and distributees.

121.8 Appeal from an Order of Distribution.

121.9 Disbursement of distributed shares.

121.10 Miscellaneous provisions.


§ 121.1 Definitions.

(a) "Act" means the act of October 27, 1972 (86 Stat. 1295).

(b) "Allottee" means a person whose name appears on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior on April 11, 1908, pursuant to the act of June 28, 1906 (34 Stat. 539).

(c) "Regional Solicitor, Tulsa" means the Regional Solicitor for the Tulsa Region of the Office of the Solicitor, U.S. Department of the Interior, P.O. Box 3156, Tulsa, Oklahoma 74101.

(d) "Distributee" means one to whom a distribution is ordered pursuant to the regulations in this part.

(e) "Secretary" means the Secretary of the Interior or his authorized representative.

(f) "Superintendent" means the Superintendent, Osage Agency, Bureau of Indian Affairs Pawhuska, Oklahoma 74056.


§ 121.2 Purpose.

The regulations in this part govern the distribution, pursuant to the act, of judgment funds awarded to the Osage Tribe of Indians of Oklahoma.