



INTERIOR BOARD OF INDIAN APPEALS

Richard William Harrington, Jr. v. Department of the Interior

40 IBIA 215 (01/24/2005)

Reconsideration denied:

40 IBIA 258



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

RICHARD WILLIAM HARRINGTON, JR.,	:	Order Docketing and Dismissing Appeal
Appellant,	:	
	:	
v.	:	Docket No. IBIA 05-36-A
	:	
DEPARTMENT OF THE INTERIOR,	:	
Appellee.	:	January 24, 2005

On January 18, 2005, the Board of Indian Appeals (Board) received what appears to be a notice of appeal from Appellant Richard William Harrington, Jr. Appellant appears to be seeking appointment of counsel and other legal experts, by the Department of the Interior (Department), to assist him in certain proceedings before the Supreme Court. The notice of appeal refers to 25 C.F.R. § 2.8 (appeal from inaction of official), but does not identify any official from whose alleged inaction the appeal is taken, and gives no indication that Appellant complied with the requirements of section 2.8.

The Board of Indian Appeals is not a court or administrative body with general jurisdiction to address requests directed to the Department. See Harden v. Acting Pacific Regional Director, 39 IBIA 220, 221 (2004); Harrington v. Department of the Interior, 38 IBIA 233 (2002). It only has the authority delegated to it by the Secretary, which does not include authority to appoint counsel or legal experts for judicial proceedings. Although the Board does have jurisdiction to review inaction of an official of the Bureau of Indian Affairs (BIA) when an appellant has followed the specific requirements of 25 C.F.R. § 2.8, Appellant's notice of appeal provides no indication that he complied with those requirements before submitting his appeal to the Board, and provides no reference to any BIA official. Therefore, the Board lacks authority to review this matter.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketed this appeal, but dismisses it for lack of jurisdiction.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Colette J. Winston
Administrative Judge