any Area Director or Agency Super-
intendent.

[25 FR 3124, Apr. 12, 1960]

PART 2—APPEALS FROM
ADMINISTRATIVE ACTIONS

Sec.
2.1 Information collection.
2.2 Definitions.
2.3 Applicability.
2.4 Officials who may decide appeals.
2.5 Appeal bond.
2.6 Finality of decisions.
2.7 Notice of administrative decision or ac-
tion.
2.8 Appeal from inaction of official.
2.9 Notice of an appeal.
2.10 Statement of reasons.
2.11 Answer of interested party.
2.12 Service of appeal documents.
2.13 Filing documents.
2.14 Record address.
2.15 Computation of time.
2.16 Extensions of time.
2.17 Summary dismissal.
2.18 Notice of decision or action.
2.19 Action by Area Directors and Edu-
cation Programs officials on appeal.
2.20 Action by the Assistant Secretary—In-
dian Affairs on appeal.
2.21 Scope of review.

AUTHORITY: R.S. 463, 465; 5 U.S.C. 301, 25

SOURCE: 54 FR 6480, Feb. 10, 1989, unless
otherwise noted.

§ 2.1 Information collection.

In accordance with Office of Manage-
ment and Budget regulations in 5 CFR
1320.3(c), approval of information col-
lections contained in this regulation is
not required.

§ 2.2 Definitions.

Appeal means a written request for
review of an action or the inaction of an
official of the Bureau of Indian Af-
fairs that is claimed to adversely affect
the interested party making the re-
quest.

Appellant means any interested party
who files an appeal under this part.

Interested party means any person
whose interests could be adversely af-
fected by a decision in an appeal.

Legal holiday means a Federal holi-
day as designated by the President or
the Congress of the United States.

Notice of appeal means the written
document sent to the official des-
ignated in this part, indicating that a
decision is being appealed (see §2.9).

Person includes any Indian or non-In-
dian individual, corporation, tribe or
other organization.

Statement of reasons means a written
document submitted by the appellant
explaining why the decision being ap-
pealed is in error (see §2.10).

[54 FR 6480, Feb. 10, 1989; 54 FR 7666, Feb. 22,
1989]

§ 2.3 Applicability.

(a) Except as provided in paragraph
(b) of this section, this part applies to
all appeals from decisions made by offi-
cials of the Bureau of Indian Affairs by
persons who may be adversely affected
by such decisions.

(b) This part does not apply if any
other regulation or Federal statute
provides a different administrative ap-
peal procedure applicable to a specific
type of decision.

§ 2.4 Officials who may decide appeals.

The following officials may decide
appeals:

(a) An Area Director, if the subject of
appeal is a decision by a person under
the authority of that Area Director.

(b) An Area Education Programs Ad-
ministrator, Agency Superintendent
for Education, President of a Post-Sec-
ondary School, or the Deputy to the
Assistant Secretary—Indian Affairs/Di-
rector (Indian Education Programs), if
the appeal is from a decision by an Of-

cice of Indian Education Programs
(OIEP) official under his/her jurisdic-
tion.

(c) The Assistant Secretary—Indian
Affairs pursuant to the provisions of
§2.20(c) of this part.

(d) A Deputy to the Assistant Sec-
retary—Indian Affairs pursuant to the
provisions of §2.20(c) of this part.

(e) The Interior Board of Indian Ap-
peals, pursuant to the provisions of 43
CFR part 4, subpart D, if the appeal is
from a decision made by an Area Direc-
tor or a Deputy to the Assistant Sec-
retary—Indian Affairs other than the
Deputy to the Assistant Secretary—In-
dian Affairs/Director (Indian Education
Programs).