

**§ 4.128**

party to show cause why the appeal should not be either dismissed or granted, as appropriate. If no cause is shown, the Board may take appropriate action.

**§ 4.128 Remands from courts.**

Whenever any matter is remanded to the Board from any court for further proceedings, each of the parties, shall, within 20 days of such remand, submit a report to the Board, recommending procedures to be followed in order to comply with the court's order. The Board will review the reports and issue the appropriate special orders.

APPENDIX I TO SUBPART C OF PART 4—  
SUGGESTED FORM OF NOTICE OF APPEAL

Interior Board of Contract Appeals, 801  
North Quincy Street, Arlington, VA 22203

(Date) \_\_\_\_\_  
(Name of Contractor) \_\_\_\_\_  
(Address) \_\_\_\_\_  
Contract No. \_\_\_\_\_  
(Invitation No.) \_\_\_\_\_  
Specifications No. \_\_\_\_\_  
(Name and Location of Project) \_\_\_\_\_  
(Name of Bureau or Office) \_\_\_\_\_

The undersigned contractor appeals to the Board of Contract Appeals from decision or findings of fact dated \_\_\_\_\_, by:  
(Name of Contracting Officer) \_\_\_\_\_

The decision or findings of fact is erroneous because: (State specific facts and circumstances and the contractual provisions involved.)  
(Signature) \_\_\_\_\_  
(Title) \_\_\_\_\_

[46 FR 57499, Nov. 24, 1981, as amended at 67 FR 4368, Jan. 30, 2002]

**Subpart D—Rules Applicable in Indian Affairs Hearings and Appeals**

AUTHORITY: Secs. 1, 2, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; R.S. 463, 465; 5 U.S.C. 301; 25 U.S.C. secs. 2, 9, 372, 373, 374, 373a, 373b, 410, 100 Stat. 61, as amended by 101 Stat. 886 and 101 Stat. 1433, 25 U.S.C. 331 note.

CROSS REFERENCE: See 25 CFR part 15 for rules setting forth the responsibilities and practices of the Bureau of Indian Affairs in the probate of Indian estates. See subpart A of this part for the authority, jurisdiction, and membership of the Board of Indian Appeals within the Office of Hearings and Appeals. For general rules applicable to pro-

**43 CFR Subtitle A (10–1–03 Edition)**

ceeding before the Hearings Division, Board of Indian Appeals, and other Appeals Boards of the Office of Hearings and Appeals, see subpart B of this part.

DETERMINATIONS OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS; TRIBAL PURCHASES OF INTERESTS UNDER SPECIAL STATUTES

SCOPE OF REGULATIONS; DEFINITIONS; GENERAL AUTHORITY OF OHA DECIDING OFFICIALS

SOURCE: 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

**§ 4.200 Scope of regulations.**

Included in §§ 4.200 through 4.202 are general rules applicable to all proceedings in subpart D of this part. Included in §§ 4.203 through 4.282 and §§ 4.310 through 4.323 are procedural rules applicable to the settlement of trust estates of deceased Indians who die possessed of trust property; however, these rules do not apply to the restricted property of deceased Indians of the Five Civilized Tribes, deceased Osage Indians, and members of any tribe organized under 25 U.S.C. 476, to the extent that the constitution, by-laws or charter of each tribe may be inconsistent with this subpart. Included within §§ 4.300 through 4.308 are supplemental procedural rules applicable to determinations as to tribal purchase of certain property interests of decedents under special laws applicable to particular tribes. Included within §§ 4.330 through 4.340 are procedural rules applicable to appeals to the Board of Indian Appeals from administrative actions or decisions issued by the Bureau of Indian Affairs as set forth in § 4.330. Except as limited by the provisions herein, the rules in subparts A and B of this part apply to these proceedings.

**§ 4.201 Definitions.**

As used in this subpart:

*Agency* means the agency office or any other designated office in BIA having jurisdiction over trust or restricted property and money. This term also means any office of a tribe which has