Indian Affairs - Office of Public Affairs

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WASHINGTON - The U.S. Department of the Interior today announced that its Office of Hearings and Appeals is operating under a new structure that will improve and expedite the resolution of Indian probate cases. OHA has created a separate hearings division to focus exclusively on these cases; is opening new offices in Alaska, S.D, and Ore.; and is increasing its staff devoted to probate adjudication.

"The OHA restructuring that takes effect today is an outgrowth of the department's trust reform initiatives for the 21st century," said Deputy Assistant Secretary Scott Cameron, who oversees performance, accountability and human resources at the department. "It will increase our level of service to native people by speeding the distribution of trust estates to heirs and beneficiaries."

OHA's former Hearings Division has been divided into three separate divisions: Probate Hearings, White Earth Reservation Land Settlement Act Hearings, and Departmental Cases Hearings.

The creation of a separate Probate Hearings Division grew out of a two-year review and consultation process, which led to the 2004 development of the department's Fiduciary Trust Model. One of the recommendations from that process was that the probate adjudication functions handled separately by the Bureau of Indian Affairs and OHA be consolidated into a single organization.

To implement this recommendation, the department is transferring to the new Probate Hearings Division most of the existing OHA Hearings Division judges and staff, along with 10 attorney decision-maker positions and 10 support staff positions currently in BIA. The BIA and OHA are issuing a joint rule in the Mar. 9 Federal Register reflecting the consolidation of the probate adjudication functions.

The attorney decision-makers are currently limited to probate cases that do not require a formal evidentiary hearing. The Fiduciary Trust Model envisions that the attorney decision.makers, working with OHA's administrative law judges and Indian probate judges, will eventually take on additional authority to handle other types of probate cases as well.

OHA will be opening new offices in Aberdeen, S.D.; Anchorage, Alaska; and Portland, Ore., to handle Indian probate cases referred from the BIA regions headquartered in those cities. OHA also will be adding staff to many of its current offices to accommodate an increase in probate case referrals expected from BIA. Other locations for the Probate Hearings Division are Albuquerque, N.M.; Billings, Mont.; Bismarck, N.D.; Oklahoma City, Okla.; Phoenix, Ariz.; Rapid City. S.D.; Sacramento, Calif.; and Twin Cities, Minn.

OHA's WELSA Hearings Division will also be located in Twin Cities, Minn. It will render heirship determinations required by the White Earth Reservation Land Settlement Act.

The Departmental Cases Hearings Division will be located in Salt Lake City, Utah. It will handle all other cases requiring an administrative hearing in which an aggrieved party is challenging an action taken by one of the department's bureaus. Such cases include mining contests, grazing cases, surface mining appeals, Native allotment contests and cases under the Indian Self-Determination and Education

Assistance Act.

Besides its hearings divisions, OHA has four other units that handle other types of administrative appeals: the Office of the Director, the Interior Board of Contract Appeals, the Interior Board of Indian Appeals and the Interior Board of Land Appeals. Decisions from the Probate Hearings Division and the WELSA Hearings Division will generally be appealable to IBIA, while decisions from the Departmental Cases Hearings Division will generally be appealable to IBLA.
