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INTERIOR BOARD OF CONTRACT APPEALS

CHOCTAW NATION OF OKLAHOMA)
 Drawer 1210)
 Durant, Oklahoma 74702-1210)
)
 Appellant,)
 vs.)
)
 MICHAEL O. LEAVITT, SECRETARY,)
 U.S. DEPARTMENT OF HEALTH AND)
 HUMAN SERVICES; CHARLES GRIM,)
 DIRECTOR, INDIAN HEALTH)
 SERVICE; UNITED STATES OF)
 AMERICA)
)
 Appellees.)
)

IBCA Nos. _____ through _____
 ISDA Compact No. 60G950037 (effective
 October 1, 1996, and to the present)

NOTICE OF APPEAL

The Choctaw Nation of Oklahoma (“the Choctaw Nation”) by and through its attorneys Sonosky, Chambers, Sachse, Miller & Munson, LLP, hereby appeal from the denials of U.S. Department of Health & Human Services, Director Dr. Charles Grim, DDS, of the Indian Health Service (IHS) of the U.S. Department of Health & Human Services (DHHS), attached hereto as Exhibits 1 through 9, of multiple “contract support cost” (CSC) damages claims which the

Choctaw Nation properly and timely submitted under the Contract Disputes Act (41 U.S.C. §§ 601–612) (“CDA”) and the Indian Self-Determination and Education Assistance Act (25 U.S.C. §§ 450–458aaa-18) (“ISDA”), as follows:

- (a) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$967,923, plus interest, for FY 1997;
- (b) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$926,020, plus interest, for FY 1998;
- (c) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$336,162, plus interest, for FY 1999;
- (d) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$1,299,292, plus interest, for FY 2000;
- (e) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$200,282, plus interest, for FY 2001;
- (f) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$1,229,816, plus interest, for FY 2002;
- (g) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$1,301,060 for FY 2003;
- (h) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$753,326, plus interest, for FY 2004; and
- (i) an August 2, 2005 damages claim under ISDA Compact No. 60G950037 in the amount of \$3,845,152, plus interest, for FY 2005.

The total face amount of the claims so submitted was \$10,859,033.

This appeal involves the failure of the Secretary of DHHS, through authority delegated to the Director of IHS, to pay annually the full contract support costs to which the Choctaw Nation is entitled by operation of law and by its contracts and compacts entered into pursuant to the ISDA.

The Board's jurisdiction is invoked pursuant to 25 U.S.C. §§ 450m-1(a) & (d) of the ISDA and 41 U.S.C. §§ 606 & 607(d) of the CDA. No later than 30 days from receipt of the Board's notice of docketing, Choctaw Nation shall file a Complaint as permitted by 43 C.F.R. § 4.107(a).

Respectfully submitted this 25th day of September 2006.

SONOSKY, CHAMBERS, SACHSE,
MILLER & MUNSON, LLP

By:  _____

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CERTIFICATE OF SERVICE

I hereby certify that I mailed, or caused to be mailed, a true and correct copy of the foregoing document by certified mail, return receipt requested, to the following parties of record this 26th day of September 2006:

Barbara Hudson, Esq.
Jocelyn S. Beer, Esq.
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and Human Services
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Secretary Michael Leavitt
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