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SEP 28 2020

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

DAN JACKSON,

Plaintiff-Appellant,

v.

OFFICE OF NAVAJO AND HOPI  
INDIAN RELOCATION, an  
administrative agency of the United States,

Defendant-Appellee.

No. 18-17247

D.C. No. 3:17-cv-08069-SPL

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Arizona  
Steven Paul Logan, District Judge, Presiding

Argued and Submitted September 17, 2020  
San Francisco, California

Before: SCHROEDER, W. FLETCHER, and HUNSAKER, Circuit Judges.

Dan Jackson appeals the district court's grant of summary judgment in favor of the Office of Navajo and Hopi Indian Relocation ("ONHIR") affirming the denial of his application for relocation benefits.

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

We review the district court's grant of summary judgment de novo.

*Brunozzi v. Cable Commc'ns, Inc.*, 851 F.3d 990, 995 (9th Cir. 2017). We review ONHIR's decision to determine if it was "arbitrary, capricious, an abuse of discretion, not in accordance with law, or unsupported by substantial evidence." *Bedoni v. Navajo-Hopi Indian Relocation Comm'n*, 878 F.2d 1119, 1122 (9th Cir. 1989); *see also* 5 U.S.C. § 706(2)(A), (E). "Substantial evidence is more than a mere scintilla but less than a preponderance." *Bayliss v. Barnhart*, 427 F.3d 1211, 1214 n.1 (9th Cir. 2005) (citation omitted); *see also* *Tylitzki v. Shalala*, 999 F.2d 1411, 1413 (9th Cir. 1993) (per curiam) ("Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.").

The parties are familiar with the evidentiary record in this case, and we do not recite it here. Although there may be sufficient evidence in the record to support an award of benefits, the decision of the ONHIR Hearing Officer denying benefits is supported by substantial evidence. We therefore affirm the decision of the district court upholding ONHIR's decision denying benefits.

**AFFIRMED.**