



INTERIOR BOARD OF INDIAN APPEALS

Gilbert Keester v. Acting Aberdeen Area Director, Bureau of Indian Affairs

21 IBIA 133 (12/23/1991)

Denying reconsideration of:

20 IBIA 277

21 IBIA 41

21 IBIA 73



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

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| GILBERT KEESTER, Appellant | : | Order Denying Second Petition for Reconsideration |
| | : | |
| v. | : | |
| | : | Docket No. IBIA 90-141-A |
| ACTING ABERDEEN AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee | : | |
| | : | December 23, 1991 |

On December 20, 1991, the Board of Indian Appeals (Board) received a letter from appellant Gilbert Keester in the above case. This letter apparently seeks reconsideration by the Board of all of its decisions in this matter.

The Board issued its original decision on September 24, 1991. 20 IBIA 277. By order dated November 7, 1991, it denied appellant's request for an extension of time for filing a petition for reconsideration, concluding "even assuming that the Board might grant an extension of time for filing a petition for reconsideration, the request for an extension was untimely." 21 IBIA 41. On December 9, 1991, the Board denied appellant's petition for reconsideration as untimely. 21 IBIA 73.

In his present letter, appellant states that his original request for an extension of time for filing a petition for reconsideration was not untimely, "due to the Act of God." Appellant cites problem with the advice given him by his attorney, delays in mailing of the Board's original decision, and failure to receive the Board's November 7, 1991, order. He concludes with a request for additional review of the record by the Board.

43 CFR 4.315(b) provides that "[a] party may file only one petition for reconsideration." Therefore, the present petition, which is appellant's second request for reconsideration, must be denied.

Furthermore, even if the petition were not denied for this reason, it would still be denied. Appellant has done no more than evidence his dissatisfaction with the Board's decisions. Under 43 CFR 4.315(a), a petition for reconsideration must show that "extraordinary circumstances" warrant reconsideration. The Board has consistently held that a petition does not show extraordinary circumstances when the issues raised were considered in the Board's decision. The issues appellant raises were considered. Appellant's disagreement with the Board's legal conclusions does not constitute extraordinary circumstances under the regulation. See Dahl v. Assistant Portland Area Director, 21 IBIA 2 (1991); Dalhstrom Lumber Co. v. Portland Area Director, 20 IBIA 211 (1991); Burchard v. Billings Area Director, 19 IBIA 276 (1991); Smith v. Acting Billings Area Director, 17 IBIA 285 (1989).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1 and 4.315, this petition for reconsideration is denied. 1/

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge

1/ Appellant is reminded of footnote 3 in the Board's original decision in this matter: "This opinion does not preclude further discussions between appellant and BIA concerning the stocking capacity of [Range Unit] 516, if appellant can show that range conditions have changed." 20 IBIA at 280.