



INTERIOR BOARD OF INDIAN APPEALS

Kathleen M. Naish v. Portland Area Director, Bureau of Indian Affairs

22 IBIA 196 (08/05/1992)



United States Department of the Interior

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

KATHLEEN M. NAISH,
Appellant

v.

PORTLAND AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal
:
:
:
: Docket No. IBIA 92-167-A
:
:
: August 5, 1992

This is an appeal from a decision of the Portland Area Director, Bureau of Indian Affairs, adjusting the rental for Lease No. 7715, Lot 23 Ray Paul, on the Swinomish Indian Reservation. The appeal was docketed on June 17, 1992. Appellant has filed an opening brief.

On August 4, 1992, the Board received the Area Director's motion to dismiss the appeal as untimely filed. The Area Director notes that the certified mail return receipt for the Area Director's decision shows that appellant received it on April 18, 1992, even though appellant stated in her notice of appeal that she received it on April 24, 1992.

The Board has inspected the record copy of the return receipt. Appellant signed it on April 18, 1992. Her notice of appeal is postmarked May 22, 1992.

The Area Director's decision correctly informed appellant that her notice of appeal to the Board must be mailed within 30 days of her receipt of the decision. 43 CFR 4.332(a) requires the Board to dismiss an untimely notice of appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed as untimely.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge