



INTERIOR BOARD OF INDIAN APPEALS

Sampsel J. Bitz v. Acting Billings Area Director, Bureau of Indian Affairs

24 IBIA 10 (05/12/1993)

Denying reconsideration of:
23 IBIA 286

Related Board case:
38 IBIA 1



United States Department of the Interior

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

SAMPSEL J. BITZ, Appellant	:	Order Denying Petition for Reconsideration
v.	:	:
ACTING BILLINGS AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	Docket No. IBIA 92-214-A : : May 12, 1993

Appellant has filed a document entitled "Objection to Board Decision," seeking Board reconsideration of its April 6, 1993, decision in this matter. See 23 IBIA 286.

Appellant's filing is postmarked May 8, 1993. 43 CFR 4.315(a) provides that a "petition [for reconsideration] must be filed with the Board within 30 days from the date of the decision." Accordingly, appellant's petition is untimely and must be denied.

Even if appellant's petition had been timely, the Board would have to deny it. Clearly, appellant would like the Board to ignore the Supreme Court decision and the Federal statute which control the outcome of his appeal. It is simply not possible for the Board to do so.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. 4.1, appellant's petition for reconsideration is denied.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge