



INTERIOR BOARD OF INDIAN APPEALS

Cecil W. Provost v. Aberdeen Area Director, Bureau of Indian Affairs

25 IBIA 233 (03/15/1994)

Denying reconsideration of:

25 IBIA 173

25 IBIA 186



United States Department of the Interior

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

CECIL W. PROVOST,
Appellant

v.

ABERDEEN AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Petition for
: Reconsideration
:
:
:
: Docket No. IBIA 93-106-A
:
:
: March 15, 1994

Appellant Cecil W. Provost has objected to an order dismissing appeal issued by the Board of Indian Appeals (Board) on February 15, 1994. 25 IBIA 173. The appeal involved the Aberdeen Area Director's recognition of the action of the Yankton Sioux Tribe in reinstating certain individuals to the Yankton Sioux Business and Claims Commission. The Board dismissed the appeal because a valid tribal election had been held during the pendency of the appeal.

The Board previously treated as a petition for reconsideration a letter from appellant dated February 15, 1994, which had crossed in the mail with the Board's decision. The Board denied reconsideration, stating that the letter provided no reasons why its decision should be reversed., 25 IBIA 186.

Normally, 43 CFR 4.315(b) prohibits the filing of more than one petition for reconsideration. However, under the circumstances of this case, as recited above, the Board will address the present letter.

Appellant's objections to the Board's decision do not address the issue on which the Board dismissed the appeal; *i.e.*, that a valid tribal election had been held during the pendency of the appeal, thus rendering the appeal moot. Because appellant has presented no reasons for disturbing the Board's long-standing rule in this area, his petition for reconsideration is denied.

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

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge