



INTERIOR BOARD OF INDIAN APPEALS

Charles Archambault v. Acting Billings Area Director, Bureau of Indian Affairs

27 IBIA 124 (01/11/1995)



United States Department of the Interior

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

CHARLES ARCHAMBAULT,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 95-63-A
ACTING BILLINGS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 11, 1995

On January 9, 1995, the Board of Indian Appeals received an apparent notice of appeal from Charles E. Archambault, pro se. The notice stated in its entirety: "This is my Notice of Appeal regarding the decision rendered by the Superintendent, Fort Belknap Agency, regarding matters relating to O & M Charges against me."

The Board contacted the Billings Area Office, Bureau of Indian Affairs, to learn whether this matter was pending before the Area Director. The Board was informed that the Superintendent issued a decision on June 17, 1994; that Archambault appealed the Superintendent's decision to the Area Director; and that the Area Director issued a decision in the appeal on November 28, 1994. The Area Office was not aware of any subsequent Superintendent's decision on the subject. Under these circumstances, it appears likely that appellant is actually attempting to appeal the Area Director's November 28, 1994, decision.

The Area Director's decision provided correct appeal information, stating in relevant part:

Your notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision.

* * * * *

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

As shown by the receipt for certified mail, appellant received the Area Director's decision on November 29, 1994. His notice of appeal is postmarked January 4, 1995, and is therefore untimely. The Board's regulations provide, at 43 CFR 4.332 (a): "A notice of appeal not timely

