



INTERIOR BOARD OF INDIAN APPEALS

Stephanie McClure v. Acting Muskogee Area Director, Bureau of Indian Affairs

27 IBIA 188 (02/28/1995)

Denying reconsideration of:

27 IBIA 154 (02/03/1995)



United States Department of the Interior

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

STEPHANIE McCLURE,
Appellant

v.

ACTING MUSKOGEE AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Petition for
: Reconsideration
:
:
: Docket No. IBIA 94-149-A
:
:
: February 28, 1995

Appellant Stephanie McClure has petitioned for reconsideration of a decision issued by the Board of Indian Appeals (Board) on February 3, 1995. 27 IBIA 154. The case involves appellant's application for a certificate of degree of Indian blood.

Reconsideration of Board decisions is governed by 43 CFR 4.315(a) which states in pertinent part: "Reconsideration of a decision of the Board will be granted only in extraordinary circumstances."

Appellant disagrees with the Board's conclusion that her case is governed by 25 CFR 62.10(a), under which an Area Director's decision is final for the Department, and contends that the matter should have been referred to the Assistant Secretary. The Board thoroughly considered the proper appeal procedure for this case in its initial decision, and found that the Area Director's decision was final for the Department. Appellant has made no argument which would cause the Board to reconsider this decision.

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

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge