



INTERIOR BOARD OF INDIAN APPEALS

Edward After Buffalo v. Acting Billings Area Director, Bureau of Indian Affairs

28 IBIA 159 (09/07/1995)

Denying reconsideration of:  
28 IBIA 131



# United States Department of the Interior

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

EDWARD AFTER BUFFALO,  
Appellant

v.

ACTING BILLINGS AREA DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Denying Reconsideration  
:  
:  
:  
: Docket No. IBIA 95-144-A  
:  
:  
: September 7, 1995

On August 2, 1995, the Board dismissed this appeal as untimely. 28 IBIA 131. Despite appeal instructions given in the Acting Area Director's June 21, 1995, decision, appellant filed his notice of appeal with the Assistant Secretary - Indian Affairs rather than the Board. The Assistant Secretary transmitted the notice to the Board. However, the notice failed to reach the Board within the time period specified in the regulations.

Appellant now requests reconsideration. He states: "I went by page #13 of the decision made by [the Acting Area Director] as to who letters must be sent. I did not see the address on page #12."

The appeal paragraph in the Acting Area Director's decision begins on page 12 and continues on page 13. The Board's address appears at the beginning of the paragraph on page 12. However, the information that appeals are to be filed with the Board is repeated at the end of the paragraph on page 13. In any event, appellant was responsible for reading the part of the appeal paragraph which appeared on page 12, as well as the part which appeared on page 13.

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.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge