



INTERIOR BOARD OF INDIAN APPEALS

San Diego County Board of Supervisors v. Sacramento Area Director,
Bureau of Indian Affairs

28 IBIA 278 (11/07/1995)

Denying reconsideration of:
28 IBIA 224



United States Department of the Interior

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

<p>SAN DIEGO COUNTY BOARD OF SUPERVISORS, Appellant</p> <p>v.</p> <p>SACRAMENTO AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee</p>	<p>: Order Denying Petition for : Reconsideration : : : : : Docket No. IBIA 96-3-A : : : November 7, 1995</p>
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This appeal was dismissed as untimely on October 18, 1995. 28 IBIA 224. On November 2, 1995, the Board received a petition for reconsideration from appellant San Diego County Board of Supervisors, through its Chairwoman, Dianne Jacob.

As stated in the October 18, 1995, order of dismissal, the copy of the Area Director's decision sent to Jacob was received at her office on September 5, 1995. This is shown by the signature on the return receipt for certified mail. Appellant's notice of appeal was postmarked October 10, 1995, more than 30 days after September 5, 1995.

Appellant states that its notice of appeal was filed, not in response to the copy of the Area Director's decision sent to Jacob, but rather, in response to the copy sent to the Acting Director, Department of Planning and Land Use, County of San Diego. The Acting Director received his copy on September 8, 1995.

Because it was appellant, and not the Acting Director, Department of Planning and Land Use, which filed the notice of appeal in this case, the critical date is the date upon which appellant received the Area Director's decision. Although appellant contends that the Area Director's decision was incorrectly addressed, it does not contend that it did not receive its copy. Indeed, it could not so contend, given the signature on the return receipt.

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
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative