



INTERIOR BOARD OF INDIAN APPEALS

Stephen Aghjayan v. Acting Portland Area Director, Bureau of Indian Affairs

29 IBIA 174 (04/30/1996)

Denying reconsideration of:  
29 IBIA 128



# United States Department of the Interior

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

STEPHEN AGHJAYAN,  
Appellant

v.

ACTING PORTLAND AREA DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Denying Reconsideration  
:  
:  
:  
: Docket No. IBIA 95-105-A  
:  
:  
: April 30, 1996

On April 25, 1996, the Board received a filing from appellant, concerning the Board's March 20, 1996, decision in this appeal. 29 IBIA 128. The filing states that appellant seeks to "appeal" the Board's decision but also states that he seeks relief from the Board. Accordingly, the Board construes appellant's filing as a petition for reconsideration under 43 CFR 4.315.

43 CFR 4.315(a) provides that a petition for reconsideration of a Board decision "must be filed with the Board within 30 days from the date of the decision." Appellant's petition is postmarked April 22, 1996, and is therefore untimely.

Even if the petition had not been untimely, it is unlikely that the Board would consider it, because appellant failed to certify that he served copies of his petition on the other parties. 1/

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

\_\_\_\_\_  
//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

1/ This lapse is puzzling because appellant is represented by the same attorney who represented him in the earlier proceedings, an attorney who should be well aware by now of the Board's service and certification requirements. These requirements are standard in judicial and administrative appeal procedures.