



INTERIOR BOARD OF INDIAN APPEALS

Jim Running Fisher, Jr. v. Superintendent, Blackfeet Agency,
Bureau of Indian Affairs

31 IBIA 305 (12/29/1997)

Denying reconsideration of:
31 IBIA 303



United States Department of the Interior

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

JIM RUNNING FISHER, JR.,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 98-18-A
SUPERINTENDENT, BLACKFEET AGENCY,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	December 29, 1997

On December 1, 1997, the Board dismissed an apparent notice of appeal filed by Jim Running Fisher, Jr., after he failed to respond to the Board's October 15, 1997, order directing him to submit a copy of the decision he sought to appeal. 31 IBIA 303.

On December 22, 1997, the Board received a filing from Running Fisher, possibly intended as a petition for reconsideration of the Board's December 1, 1997, order. He states that he did not respond to the Board's October 15, 1997, order because he was waiting for the Billings Area Director to issue a decision. This response, belated as it is, nevertheless confirms the Board's original concern that Running Fisher was attempting to appeal to the Board from an action taken by the Superintendent, Blackfeet Agency.

Running Fisher now states that he filed a notice of appeal with the Area Director on October 8, 1997. Although he apparently believes that he should have already received a decision, he has overlooked the fact that interested parties are entitled to file answers in his appeal (25 C.F.R. § 2.11) and the fact that the Area Director's time for issuing a decision is 60 days after all time for pleadings (including extensions granted) has expired (25 C.F.R. § 2.19). 1/

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this petition for reconsideration is denied.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ Running Fisher indicates that he now has an attorney. He is urged to consult his attorney for advice in pursuing his appeal.