



INTERIOR BOARD OF INDIAN APPEALS

Estate of Eda Jefferson

32 IBIA 186 (06/02/1998)



## United States Department of the Interior

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

ESTATE OF EDA JEFFERSON : Order Docketing and Dismissing  
: Appeal  
:  
: Docket No. IBIA 98-97  
:  
: June 2, 1998

On May 26, 1998, the Board of Indian Appeals received a notice of appeal from Elizabeth Jefferson (Appellant), pro se. Appellant stated that she sought to appeal a decision issued in the Estate of Eda Jefferson, Probate No. IP SA 191 N 96. She did not, however, enclose a copy of the decision she sought to appeal or indicate when it had been issued. The Board contacted the office of Administrative Law Judge William E. Hammett and learned that Judge Hammett issued an Order Determining Heirs in this estate on April 27, 1998. The order stated that it would be final for the Department unless a petition for rehearing were filed with the Area Director within 60 days from the date of the order. The notice included the address of the Portland Area Director.

Under 43 C.F.R. § 4.320, Appellant must first seek rehearing from Judge Hammett before she may appeal to the Board. Accordingly, Appellant should file a petition for rehearing with the Area Director, as directed in Judge Hammett's order.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed without prejudice as premature.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge