



INTERIOR BOARD OF INDIAN APPEALS

Reginald Johnson, et al. v. Portland Area Director, Bureau of Indian Affairs

33 IBIA 281 (05/18/1999)



United States Department of the Interior

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

REGINALD JOHNSON ET AL.,	:	Order Docketing and Dismissing Appeal
Appellants	:	
	:	
v.	:	
	:	Docket No. IBIA 99-64-A
PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	May 18, 1999

On May 10, 1999, the Board received an apparent notice of appeal from Reginald Johnson, Amy M. Johnson, Janet M. Umtuch, Joan Burnside, Stanislaus A. Johnson, Gwendolyn J. Klatusch, and Herbert Klatusch (Appellants). The notice is dated April 12, 1999, and was forwarded to the Board by the Portland Area Director, Bureau of Indian Affairs, with whom it was filed. The notice appears to seek review of a March 17, 1999, decision issued by the Area Director concerning an easement granted to the Northwest Pipeline Company over lands on the Umatilla Reservation.

The Area Director's decision provided correct appeal instructions, stating, *inter alia*, that a notice of appeal must be filed with the Board and must be mailed within 30 days of an appellant's receipt of the Area Director's decision.

Even if Appellants' notice of appeal had been filed with the Board, it would have been untimely. Although dated April 12, 1999, the notice was postmarked April 30, 1999. The Area Director's transmittal letter includes copies of the return receipts for Appellants' copies of the Area Director's decision. These receipts show that each of the Appellants received the decision more than 30 days before April 30, 1999.

Therefore, 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 as untimely.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge