



INTERIOR BOARD OF INDIAN APPEALS

Caroline Martin v. Acting Rocky Mountain Regional Director,  
Bureau of Indian Affairs

36 IBIA 3 (01/04/01)



# United States Department of the Interior

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

|  |   |                                |
|--|---|--------------------------------|
| CAROLINE MARTIN,<br>Appellant  | : | Order Docketing and Dismissing |
|  | : | Appeal                         |
|  | : |                                |
| v.   | : |                                |
|  | : |                                |
| ACTING ROCKY MOUNTAIN REGIONAL<br>DIRECTOR, BUREAU OF INDIAN<br>AFFAIRS,<br>Appellee | : | Docket No. 01-30-A             |
|  | : |                                |
|  | : | January 4, 2001                |

This is an appeal from an October 20, 2000, decision of the Acting Rocky Mountain Regional Director, Bureau of Indian Affairs, finding untimely Appellant's notice of appeal to him concerning an August 31, 2000, decision of the Superintendent, Northern Cheyenne Agency, which cancelled a grazing permit.

The materials submitted by Appellant showed that her copy of the Superintendent's August 31, 2000, decision was signed for by her husband on September 1, 2000, and that her notice of appeal to the Regional Director was dated October 3, 2000. Thus it appeared from Appellant's own materials that her appeal to the Regional Director was untimely. However, by order dated November 22, 2000, the Board gave her an opportunity to show that she had mailed or hand-delivered her notice of appeal to the Regional Director on or before October 2, 2000, the last day of her appeal period.

Appellant was advised that failure to respond to the Board's order by December 18, 2000, would result in dismissal of this appeal for failure to prosecute. She has not responded.

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 for failure to prosecute.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge