



INTERIOR BOARD OF INDIAN APPEALS

Earl Yeahquo, et al. v. Southern Plains Regional Director, Bureau of Indian Affairs

36 IBIA 59 (03/07/2001)

Denying reconsideration of:

36 IBIA 11

Judicial review of this case:

Appeal dismissed, *Yeahquo v. Anadarko Agency Superintendent, Bureau of Indian Affairs*,
No. CIV-01-552 (W.D. Okla. Mar. 26, 2004)

Related Board cases:

37 IBIA 142

Stipulated dismissed, *Housing Authority of the Kiowa Tribe of Oklahoma v. United States*, CIV 02-0351 (W.D. Okla. Dec. 13, 2002)

37 IBIA 218



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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EARL YEAHQO, EDNA BOINTY,	:	Order Denying Reconsideration
RANDLETT HALL, BRENDA MYERS,	:	
and MARY ZUMWALT,	:	
Appellants	:	
	:	
v.	:	Docket No. IBIA 01-6-A
	:	
SOUTHERN PLAINS REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 7, 2001

This appeal concerns the validity of certain resolutions enacted by the Kiowa Business Committee. It was dismissed on January 30, 2001, for failure to show standing and failure to show exhaustion of tribal remedies. 36 IBIA 11. Appellants seek reconsideration of that dismissal.

The Board's regulation governing reconsideration provides that "[r]econsideration of Board decision will be granted only in extraordinary circumstances." 43 C.F.R. 4.315(a).

For the most part, Appellants' petition for reconsideration repeats the arguments they made during the earlier proceedings in this appeal. The Board has consistently held that extraordinary circumstances are not present when the party seeking reconsideration merely repeats the same arguments that were made and considered earlier. E.g., Estate of Little Snake (John Smith), 24 IBIA 153 (1993).

In support of one of their arguments—that Appellant Brenda Myers has standing here—Appellants attempt to offer new evidence. This is a document titled "Recall Statement of Charges and Violations" concerning Myers. The statement is signed by only one person and is undated. Its relevance to the issue of Myers' standing in this case is tenuous at best. In any event, the Board ordinarily declines to consider arguments raised or evidence presented for the first time in a petition for reconsideration. E.g., Hamilton v. Acting Sacramento Area Director, 29 IBIA 188 (1996).

While it is plain that Appellants disagree with the Board's decision, disagreement with a Board decision does not constitute extraordinary circumstances under 43 C.F.R. § 4.315. E.g., Needles Lodge v. Acting Phoenix Area Director, 31 IBIA 123 (1997). Appellants have not shown that extraordinary circumstances are present here.

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 petition for reconsideration is denied.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge