



INTERIOR BOARD OF INDIAN APPEALS

Estate of Jesse James Lahr Kellerher

36 IBIA 206 (07/05/2001)

Denying Reconsideration of:

36 IBIA 175

Further request for reconsideration:

36 IBIA 294



United States Department of the Interior

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

ESTATE OF JESSE JAMES LAHR
KELLERHER

: Order Denying Reconsideration
:
: Docket No. IBIA 01-113
:
: July 5, 2001

This appeal was dismissed on June 11, 2001. 36 IBIA 175. On June 25, 2001, the Board received a letter from Appellant Shirley Lahr Lappier, expressing disagreement with the Board's decision. The Board construes Appellant's letter as a petition for reconsideration of that decision.

Appellant appears to be contending that, because she filed a timely response to the Board's May 1, 2001, order to show standing, she should also be deemed to have filed a timely notice of appeal on behalf of Theodore Lappier and Daniel Kellerher.

As was stated in Board's June 11, 2001, decision, Appellant's notice of appeal was filed in her name only, not on behalf of Theodore Lappier and Daniel Kellerher. The first filing that could have been construed as a notice of appeal on behalf of Theodore Lappier and Daniel Kellerher was Appellant's June 4, 2001, response to the Board's May 1, 2001, order. That filing was untimely as a notice of appeal from the February 26, 2001, order denying rehearing in this estate.

The Board has no authority to extend the time for filing a notice of appeal. See, e.g., 43 C.F.R. § 4.320: "A notice of appeal not timely filed shall be dismissed for lack of jurisdiction." The Board's May 1, 2001, order did not purport to, and in any event could not, grant an extension of time for filing a notice of appeal on behalf of Theodore Lappier and Daniel Kellerher.

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