



INTERIOR BOARD OF INDIAN APPEALS

Estate of Ruby Maldonado

36 IBIA 295 (09/14/2001)

Denying Reconsideration of:

36 IBIA 267

Related Board cases:

36 IBIA 8

38 IBIA 196

46 IBIA 314



## United States Department of the Interior

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

ESTATE OF RUBY MALDONADO : Order Denying Petition for Reconsideration  
:  
: Docket No. IBIA 01-149  
:  
: September 14, 2001

Appellant Rudy L. Maldonado seeks reconsideration of the Board's August 14, 2001, dismissal of his interlocutory appeal in the estate of Decedent Ruby Maldonado. 36 IBIA 267. Appellant's appeal was dismissed for failure to serve interested parties.

In his petition for reconsideration, Appellant argues that, as a pro se appellant, he did not understand the requirements for service. However, in a July 13, 2001, order, the Board explained this requirement and gave Appellant an opportunity to show service. Appellant did not do so. Appellant's petition for reconsideration does not contain any reason for the Board to alter its decision.

Appellant also argues that Decedent's heirs "should have a place in this hearing process." As the Board noted in footnote 1 of its dismissal order, 36 IBIA at 267, another appeal in this estate is pending before the Board as Docket No. IBIA 01-146. That appeal was filed by the Yakama Nation. Appellant and Decedent's other heirs are interested parties in that appeal and may participate fully in it, provided that they serve other interested parties with copies of all information and documents furnished to the Board. The Nation's opening brief is due on or before September 21, 2001. Appellant may file a brief at that time, or may file an answer brief in accordance with the briefing schedule set out in the Board's August 13, 2001, order in Docket No. IBIA 01-146. A copy of the Board's August 13, 2001, order was mailed to Appellant as an interested party in Docket No. IBIA 01-146.

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  
Kathryn A. Lynn  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Anita Vogt  
Administrative Judge