



INTERIOR BOARD OF INDIAN APPEALS

Estate of William Joseph Jordan

37 IBIA 232 (04/23/2002)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

ESTATE OF WILLIAM JOSEPH JORDAN : Order Dismissing Appeal  
: :  
: Docket No. IBIA 02-55  
: :  
: April 23, 2002

Appellant Joan Standing Bear sought review of a December 14, 2001, order denying rehearing entered in the estate of her brother, Decedent William Joseph Jordan, by Indian Probate Judge George Tah-bone. Judge Tah-bone denied rehearing after finding that Appellant had not filed a timely petition for rehearing.

In an order dated February 14, 2002, the Board of Indian Appeals (Board) noted that Appellant had not addressed in her notice of appeal the question of whether or not her petition for rehearing had been timely. Instead, she raised only issues dealing with the merits of the determination of heirs which had been issued by Administrative Law Judge William S. Herbert on September 14, 2001.

The Board also noted that Appellant asked that Decedent's estate be "reopened." It commented that "reopening" is a term of art in Indian probate and that, in order to reopen an Indian estate, the person seeking reopening must show that she meets the requirements set out in 43 C.F.R. § 4.242.

The Board gave Appellant until March 22, 2002, in which to respond to these issues. It informed her that failure to respond would be grounds for the dismissal of her appeal. No response has been received.

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 dismissed for lack of prosecution.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge