



INTERIOR BOARD OF INDIAN APPEALS

Estate of Joseph Young Eagle Child, Jr.

38 IBIA 85 (08/27/2002)



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 JOSEPH YOUNG
EAGLE CHILD, JR.

: Order Docketing and Dismissing Appeal
:
: Docket No. IBIA 02-151
:
: August 27, 2002

On August 23, 2002, the Board of Indian Appeals (Board) received a notice of appeal from Shirley Bennett Little Dog (Appellant), *pro se*. Appellant seeks review of an order denying rehearing issued on June 18, 2002, by Administrative Law Judge Robert G. Holt in Estate of Joseph Young Eagle Child, Jr., 001-201-230L.

Appellant's notice of appeal was postmarked August 21, 2002. Judge Holt's order notified interested parties, including Appellant, that the decision became final 60 days from the date it was mailed, unless a notice of appeal had been filed with the Board. The order shows that it was mailed on June 18, 2002. Therefore, Appellant's notice of appeal is untimely. 43 C.F.R. § 4.320(a) provides that "[a] notice of appeal not timely filed shall be dismissed for lack of jurisdiction." Under this regulation, Appellant's notice of appeal must be dismissed.

Appellant argues that her untimely filing of a notice of appeal should be excused. Assuming for purposes of this discussion only that the Board has authority to excuse the untimely filing of a notice of appeal, it finds nothing in Appellant's argument that is persuasive.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Appellant's notice of appeal is docketed but dismissed for lack of jurisdiction.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge