



INTERIOR BOARD OF INDIAN APPEALS

Lennie R. Reynolds, Sr., et al. v. Acting Navajo Regional Director,
Bureau of Indian Affairs

38 IBIA 270 (01/07/2003)

Denying Reconsideration of:
38 IBIA 222



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

LENNIE R. REYNOLDS, SR., et al., : Order Denying Reconsideration
Appellants :
 :
v. :
 :
 : Docket No. IBIA 02-139-A
ACTING NAVAJO REGIONAL DIRECTOR :
BUREAU OF INDIAN AFFAIRS, :
Appellee : January 7, 2003

On November 19, 2002, the Board affirmed a June 19, 2002, decision issued by the Acting Navajo Regional Director, Bureau of Indian Affairs, concerning the approval of three homesite leases on the Navajo Reservation. 38 IBIA 222. The Board's decision was issued after Appellants failed to file a brief or otherwise support their appeal.

On January 3, 2003, the Board received a petition for reconsideration from Carol J. Reynolds (Petitioner), who states that she is the widow of Appellant Lennie R. Reynolds, Sr. She further states that Lennie R. Reynolds, Sr., died on August 31, 2002, and that she is now representing his interest, as well as the interest of one of the other two Appellants, Jimmy Tsosie. ^{1/}

Petitioner states that she sent the Board a letter dated September 20, 2002, giving notice of her husband's death and asking that proceedings in this appeal be stayed. She encloses a copy of her September 20, 2002, letter, which is addressed to the Office of Hearings and Appeals and requests that proceedings in "[a]ny and all personal and official matters (including disputes)" concerning her husband "be put on hold for a period of time." The letter does not mention this appeal or even this Board. Unfortunately, the letter did not reach the Board. Presumably it was not routed to the Board because of the lack of any indication that it concerned a matter pending before the Board.

^{1/} The third Appellant is Lillian Mitchell. The notice of appeal in this case was filed by Lennie R. Reynolds, Sr., who stated that he was filing the appeal on his own behalf and on behalf of Lillian Mitchell, his sister, and Jimmy Tsosie, his brother.

It is also unfortunate, in light of Petitioner's loss, that her petition for reconsideration must be denied as untimely. However, that result is required by the Board's regulations.

43 C.F.R. § 4.315(a) provides that a "petition [for reconsideration] must be filed with the Board within 30 days from the date of the decision." Petitioner's petition for reconsideration, although dated December 12, 2002, is postmarked December 31, 2002, more than 30 days after November 19, 2002.

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. 2/

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

2/ The Board notes that the homesite leases at issue here cover Navajo Nation land and were granted by the Nation. Primary jurisdiction over disputes concerning use of tribal land resides with the Nation. See, e.g., Hunter v. Navajo Regional Director, 37 IBIA 274 (2002).

This homesite lease dispute is apparently related to a larger land use dispute which, according to Petitioner, is still ongoing. It is not clear whether the larger dispute is currently the subject of any tribal proceedings. If so, Petitioner may be able to seek some relief by participating in those proceedings.