



INTERIOR BOARD OF INDIAN APPEALS

Estate of Leonard Old Rock Martin, Sr.

39 IBIA 86 (07/02/2003)

Denying reconsideration of:

39 IBIA 80

Related Board cases:

39 IBIA 1

47 IBIA 250



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ESTATE OF LEONARD OLD ROCK : Order Reaffirming Decision and  
MARTIN, SR. : Denying Reconsideration  
:   
: Docket No. IBIA 03-81  
:   
: July 2, 2003

On June 26, 2003, the Board of Indian Appeals (Board) docketed and dismissed an appeal in the above estate filed by Appellant Micki Diserly. 39 IBIA 80. The Board found that Appellant had failed to respond to its April 23, 2003, order requiring her to show how Administrative Law Judge Robert G. Holt erred in holding that she lacked standing to petition for reopening of the estate. On June 30, 2003, the Board received a letter from Appellant requesting another hearing. The Board addresses Appellant's letter as both a response to its April 23, 2003, order and as a petition for reconsideration of its June 26, 2003, decision.

Appellant's response to the Board's order was due on or before May 30, 2003. Her letter was postmarked June 25, 2003. Therefore, if Appellant's letter is treated as a response to the Board's April 23, 2003, order, it is untimely.

If Appellant's letter is treated as a petition for reconsideration, it must, at the very least, show some way in which the Board erred in its decision. See 43 C.F.R. § 4.315. Appellant's letter does not address the issue of her standing, which was the substantive issue underlying the Board's June 26, 2003, order, nor does it discuss her failure to respond timely to the Board's April 23, 2003, order. Because of this, Appellant's letter fails to show any way in which the Board's decision was in error.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. §§ 4.1 and 4.315, the Board reaffirms its June 26, 2003, dismissal of this appeal and, alternatively, denies reconsideration.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Kathleen R. Supernaw  
Acting Administrative Judge