



INTERIOR BOARD OF INDIAN APPEALS

Estate of Mabel Opal Beach

39 IBIA 201 (11/21/2003)

Denying Reconsideration of:
39 IBIA 111



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF MABEL OPAL BEACH : Order Denying Petition for
: Reconsideration
:
: Docket No. IBIA 03-33
:
: November 21, 2003

Administrative Law Judge Robert G. Holt has copied the Board of Indian Appeals (Board) with a November 17, 2003, letter he wrote to Appellant Candice LaMott concerning probate of the estate of Decedent Mabel Opal Beach. Judge Holt also provided the Board with a copy of the November 10, 2003, letter from Appellant to which he was responding. The Board treats Appellant's November 10, 2003, letter as a petition for reconsideration of its September 9, 2003, decision in this estate. See 39 IBIA 111. For the reason discussed below, the Board denies reconsideration.

In her November 10, 2003, letter, Appellant objected to the Board's decision and requested additional information. She stated that she wanted to appeal the decision.

Reconsideration of Board decisions is governed by 43 C.F.R. § 4.315. A copy of this regulation was sent to Appellant with the Board's May 13, 2003, notice of docketing of her appeal. Subsection 4.315(a) provides in pertinent part that a petition for reconsideration "must be filed with the Board within 30 days from the date of the decision." As stated above, the date of the Board's decision was September 9, 2003. Neither Appellant's November 10, 2003, request for reconsideration, nor the Board's receipt of that request on November 20, 2003, was within 30 days from September 9, 2003. Therefore, Appellant's request for reconsideration must be denied as untimely.

If Appellant disagrees with the Board's decision, she may pursue the matter in the appropriate United States District Court.

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 of the Board's September 9, 2003, decision is denied as untimely.

// original signed
Kathryn A. Lynn
Administrative Judge

// original signed
Kathleen R. Supernaw
Acting Administrative Judge