



INTERIOR BOARD OF INDIAN APPEALS

Estate of Jane Shane

40 IBIA 42 (06/30/2004)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ARLINGTON, VA 22203

ESTATE OF JANE SHANE : Order Affirming Denial of Rehearing
:
: Docket No. IBIA 04-75
:
: June 30, 2004

Appellant, Rudolph Shane, Sr. (Appellant or Mr. Shane), pro se, seeks review of an Order Denying Rehearing entered in the Estate of Jane Shane by Administrative Law Judge (ALJ) Robert G. Holt on January 27, 2004. Indian Probate No. RM-202--0049. 1/

The original decision in the Estate of Jane Shane was issued on November 7, 2003. It states, in pertinent part, that “[t]his decision is final for the Department unless a petition for rehearing is timely filed in accordance with 43 CFR 4.241 within 60 days from the date hereof as set forth in the notice attached hereto.” Id. at 17.

Judge Holt also issued a notice, certified as having been mailed on November 7, 2003, which provided notice and a copy of the decision to all persons having or claiming an interest in the subject matter of the proceeding. That notice states that the November 7, 2003, decision becomes final sixty days from the mailing of the notice

unless within such period a written petition for rehearing shall have been filed with the undersigned Administrative Law Judge at the above address by an aggrieved party in accordance with the provisions of 43 CFR 4.241. Petitions for rehearing must be delivered or mailed to the above address within the time specified above.

(emphasis in original omitted). The notice and original decision were sent both to “Rudolph Shane” and “Rudolph Shane, Sr.” at Appellant’s correct address.

1/ It appears that the ALJ made a typographical error when he referred to Mr. Shane as Rudolph Shane, Jr. The individual who filed the petition for rehearing and the notice of appeal is Appellant, Rudolph Shane, Sr., who is the decedent’s son.

