



INTERIOR BOARD OF INDIAN APPEALS

Robert S. McKay v. Pacific Regional Director, Bureau of Indian Affairs

40 IBIA 53 (07/12/2004)

Denying Reconsideration of:
40 IBIA 26



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ROBERT S. McKAY, Appellant,	:	Order Denying Reconsideration
	:	
	:	
v.	:	
	:	Docket No. IBIA 02-56-A
	:	
PACIFIC REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee.	:	July 12, 2004

Appellant Robert S. McKay seeks reconsideration of the decision in this case issued by the Board of Indian Appeals (Board) on June 1, 2004. 40 IBIA 26. In that decision, the Board dismissed Appellant’s appeal from a December 28, 2001, decision of the Pacific Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning an intratribal dispute within the Dry Creek Rancheria of Pomo Indians of California (Tribe). The Board dismissed the appeal, after concluding that Appellant lacked standing, and also that the appeal was moot.

Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315. Appellant’s petition for reconsideration identifies no facts or arguments that were not previously considered by the Board in deciding to dismiss the appeal, and thus does not demonstrate extraordinary circumstances justifying reconsideration. See Lira v. Acting Pacific Regional Director, 38 IBIA 107 (2002) (extraordinary circumstances not present when party seeking reconsideration repeats the same arguments made and considered earlier); Yeahquo v. Southern Plains Regional Director, 36 IBIA 59 (2001) (same).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board denies the petition for reconsideration.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Colette J. Winston
Administrative Judge