



INTERIOR BOARD OF INDIAN APPEALS

Estate of Floyd Lynne Crazy Thunder

41 IBIA 118 (07/06/2005)

Denying reconsideration of:
41 IBIA 102



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

ESTATE OF FLOYD LYNNE CRAZY : Order Denying Reconsideration
THUNDER :
: Docket No. IBIA 05-56
:
: July 6, 2005

This appeal was dismissed on June 15, 2005, for failure to prosecute, after the Board had ordered Appellant Dawn Lee Aubid to comply with certain service requirements for her notice of appeal, and Appellant had failed to respond to the Board's order. 41 IBIA 102. On July 5, 2005, the Board received a letter from Appellant, apologizing for her oversight and requesting rehearing. The Board treats Appellant's letter as a request for reconsideration.

Reconsideration of a Board decision will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315.

Appellant does not provide any reasons that would excuse her failure to comply with the Board's order. The Board finds that Appellant has failed to show extraordinary circumstances warranting reconsideration. Cf. Ballard v. Acting Eastern Oklahoma Regional Director, 35 IBIA 255 (2000) (denying reconsideration of order dismissing appeal for failure to prosecute).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Appellant's request for reconsideration is denied. 1/

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Anita Vogt
Senior Administrative Judge

1/ Even if this appeal had proceeded to the merits, it appears that Appellant's sole argument concerns a paternity issue that she suggests could be resolved through DNA testing. The Board has previously held that it lacks authority to order DNA tests to determine paternity. See, e.g., Estate of Louis Williams, 39 IBIA 99 n.1 (2003), and cases cited therein.