



INTERIOR BOARD OF INDIAN APPEALS

Marlene Dawson v. Northwest Regional Director, Bureau of Indian Affairs

47 IBIA 171 (08/06/2008)

Dismissing petition for reconsideration of:
39 IBIA 213



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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MARLENE DAWSON,)	Order Dismissing Petition
Appellant,)	for Reconsideration
)	
v.)	
)	Docket No. IBIA 04-19-A
NORTHWEST REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	August 6, 2008

On December 11, 2003, the Board of Indian Appeals (Board) dismissed for lack of standing an appeal filed by Marlene Dawson (Appellant), which the Board described as seeking “review of every decision issued by the Northwest Regional Director, Bureau of Indian Affairs . . . approving a trust land acquisition for the Lummi Tribe.” 39 IBIA 213. On August 4, 2008, the Board received from Appellant a letter asking the Board to re-evaluate its dismissal of her appeal in light of a recent Federal court decision issued in a different case involving a Board decision that dismissed an appeal for lack of standing. *See Preservation of Los Olivos v. United States Department of the Interior*, No. CV 06-1502 AHM (CTx) (C.D. Cal. July 9, 2008) (vacating and remanding for further consideration the Board’s decisions in 45 IBIA 98 (2007) and 42 IBIA 189 (2006)). We construe Appellant’s letter as a petition for reconsideration.

Subsection 4.315(a) of 43 C.F.R. provides that a petition for reconsideration of a decision by the Board “must be filed . . . within 30 days from the date of the decision.” The Board decided Appellant’s appeal in December of 2003, and her petition is well beyond the 30-day deadline for seeking reconsideration.

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 dismisses Appellant’s petition for reconsideration as untimely.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge