



INTERIOR BOARD OF INDIAN APPEALS

Mr. and Mrs. Donald Logan, Elise Johnson, Elizabeth Knowles, and
Michelle Bauchman v. Northwest Regional Director, Bureau of Indian Affairs

48 IBIA 77 (10/29/2008)

Denying reconsideration of:
47 IBIA 257



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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MR. AND MRS. DONALD LOGAN,)	Order Denying Reconsideration
ELISE JOHNSON, ELIZABETH)	
KNOWLES, and MICHELLE)	
BAUCHMAN,)	
Appellants,)	
)	
v.)	Docket No. IBIA 08-125-A
)	
NORTHWEST REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	October 29, 2008

On October 2, 2008, the Board of Indian Appeals (Board) dismissed the appeal of Appellants Mr. and Mrs. Donald Logan, Elise Johnson, Elizabeth Knowles, and Michelle Bauchman for failure to prosecute. 47 IBIA 257. On October 24, 2008, the Board received a letter from Appellant Knowles in which she requests “reinstatement” of the appeal. The Board construes the request as a petition for reconsideration, and denies the petition.

Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315; *Jacobs v. Great Plains Regional Director*, 43 IBIA 272 (2006). The Board dismissed Appellants’ appeal when no response was received to the Board’s order of August 6, 2008, in which the Board directed Appellants to show cause why their appeal should not be dismissed as untimely. That order required a response on or before August 29, 2008. When no response was received from Appellants, the appeal was dismissed on October 2 for lack of prosecution (i.e., because no response had been received to the Board’s order). In her petition for reconsideration, Appellant Knowles does not contend that her appeal was timely, but avers that she attempted to serve her notice of appeal, and failed to realize that she was required to send her appeal to the Board.¹

¹ The Board received Appellants’ notice of appeal from the Regional Director after the time to appeal had expired.

Appellant provides no explanation for Appellants' failure to respond to the Board's August 6 order, let alone circumstances that would convince the Board to vacate its dismissal of — and reinstate — Appellants' appeal.² Consequently, we conclude that Appellant has not shown extraordinary circumstances warranting reconsideration of our decision to dismiss Appellants' appeal from the Regional Director's June 17, 2008, decision. *See* 43 C.F.R. § 4.315; *Jacobs*, 43 IBIA 272.

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 of 47 IBIA 257.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge

² We note that the Regional Director provided Appellants with accurate appeal instructions, which included the correct address for sending appeals to the Board. *See* Letter to Appellants from Northwest Regional Director, June 17, 2008, at 7-8.