



INTERIOR BOARD OF INDIAN APPEALS

Estate of Margerate Arline Glenn

50 IBIA 150 (08/21/2009)

Dismissing Petition for Reconsideration of:
50 IBIA 5

Board has no jurisdiction to consider a petition for reconsideration untimely filed. *Estate of Robert Henry Moran, Sr.*, 45 IBIA 26 (2007). Accordingly, we must dismiss Two Elk's petition for lack of jurisdiction.

It is worth pointing out, however, that were we to consider the petition on the merits, we would not find a basis within it for reconsidering our decision. A petition for reconsideration "will be granted only in extraordinary circumstances." 43 C.F.R. § 4.315(a).

Appellant has failed to demonstrate that extraordinary circumstances pertain here. To the contrary, her petition contains objections to the Board's conclusions; takes issue with some of the Board's factual statements; reiterates assertions made to Judge Greenia, which the Board addressed in the July 6, 2009, decision; but Appellant fails to convince us that the Board must reconsider its decision or that the Board incorrectly addressed those matters. To the extent some of Appellant's arguments address matters not decided by the Board, we leave it to the probate judge to determine their relevance, if any, in any further proceedings.

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

I concur:

// original signed
Lisa Hemmer
Administrative Judge*

// original signed
Steven K. Linscheid
Chief Administrative Judge

*Interior Board of Land Appeals, sitting by designation.