



INTERIOR BOARD OF INDIAN APPEALS

Kozlowicz & Gardner Advocates, Inc. v. Superintendent, Uintah and Ouray Agency,
Bureau of Indian Affairs; and Deputy Assistant Secretary for Policy
and Economic Development - Indian Affairs

50 IBIA 236 (09/29/2009)

Denying Reconsideration of:
50 IBIA 201



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

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|----------------------------|---|-------------------------------|
| KOZLOWICZ & GARDNER |) | Order Denying Reconsideration |
| ADVOCATES, INC., |) | |
| Appellant, |) | |
| |) | |
| v. |) | |
| |) | |
| SUPERINTENDENT, UINTAH AND |) | |
| OURAY AGENCY, BUREAU OF |) | Docket No. IBIA 09-137-1 |
| INDIAN AFFAIRS; AND |) | |
| DEPUTY ASSISTANT |) | |
| SECRETARY FOR POLICY AND |) | |
| ECONOMIC DEVELOPMENT - |) | |
| INDIAN AFFAIRS, |) | |
| Appellees. |) | September 29, 2009 |

On September 15, 2009, the Board of Indian Appeals (Board) dismissed an appeal filed by Kozlowicz & Gardner Advocates, Inc. (Appellant) in the above-captioned case. 50 IBIA 201. On September 24, 2009, the Board received from Appellant a document titled “Notice of Appeal and Statement of Reason on Order to Show Cause,” which appears intended as an appeal to the Secretary of the Interior (Secretary) from the Board’s order of dismissal. A decision by the Board is final for the Department of the Interior, *see* 43 C.F.R. § 4.312; there is no right of appeal from a Board decision to the Secretary. The regulations do permit a party to file (with the Board) a petition for reconsideration, *see id.* § 4.315, and therefore we construe Appellant’s filing as a petition for reconsideration, although we conclude that Appellant has not stated any grounds to grant reconsideration.

Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. *Id.* Appellant’s petition makes several points regarding the Federal Government’s relationship with Indian tribes, with reference to the Alaska Native Claims Settlement Act of 1971, *as amended*, 43 U.S.C. §§ 1601 - 1628; the definition of “Indian tribe” in the Indian Health Care Improvement Act, 25 U.S.C. § 1603(d); and the Indian Reorganization Act provision applicable to the organization of Indian tribes, 25 U.S.C. § 476. But the petition does not articulate any alleged error in the Board’s decision, and thus provides no basis for us to grant 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 denies the petition for reconsideration.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge