



INTERIOR BOARD OF INDIAN APPEALS

Estate of Patricia Louise Umtuch

50 IBIA 251 (10/13/2009)

Dismissing Petition for Reconsideration of:
50 IBIA 76



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF PATRICIA LOUISE)	Order Dismissing Petition for
UMTUCH)	Reconsideration
)	
)	Docket No. IBIA 08-046-1
)	
)	October 13, 2009

Mary K. Umtuch (Appellant) appealed to the Board of Indian Appeals (Board) from an Order Denying Petition for Rehearing (Order) entered January 18, 2008, by Administrative Law Judge Steven R. Lynch in the Estate of Patricia Louise Umtuch, deceased Kiowa and Cherokee Indian, Probate No. P000036639IP. On July 22, 2009, the Board entered a decision entitled “Order Dismissing Appeal,” in which we dismissed the appeal because the relief requested by Appellant could not be obtained in Decedent’s probate. *Estate of Patricia Louise Umtuch*, 50 IBIA 76 (2009).

On September 28, 2009, the Board received a handwritten letter from Appellant, mailed September 25. This letter complains that the outcome, apparently of the appeal, “isn’t right” and conflicts with what she describes as her family’s plans. Appellant asserts: “This needs to be looked at closer.” Attached to this letter is a typed document signed by Appellant, dated “08 09 09,” and notarized on September 10, 2009. The typed letter refers to “the denial of an appeal regarding decisions in the matters of the estate of Josephine Umtuch, George Umtuch Jr. (not George M. Umtuch) . . . ,” and asks that the “appeal be reconsidered.”¹

We construe the letter and attachment together to constitute a petition for reconsideration. Any such petition was due to be filed “within 30 days from the date of the

¹ Attached to Appellant’s petition for reconsideration are documents from the probate of the trust estate of Appellant’s father, George Umtuch, Probate No. P000026196IP (formerly, No. IPSA16N03), including an Title Transfer Order dated August 17, 2009. Appellant’s typed note addresses “reconsideration” and discusses her appeal, which was one taken with respect to the estate of Patricia Umtuch; likewise, the handwritten note fails to address or even mention this order. Thus, we do not construe her documents to relate to the order in the George Umtuch probate matter.

decision.” 43 C.F.R. § 4.315(a). Accordingly, any timely filed petition for reconsideration was due to be filed with this Board on or before August 21, 2009. This Board has no jurisdiction to consider a petition for reconsideration untimely filed. *Estate of Margerate Arline Glenn*, 50 IBIA 150 (2009) (petition for reconsideration dismissed as untimely). Accordingly, we must dismiss the petition for lack of jurisdiction.

If we were 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 takes issue with the outcome and reiterates assertions made in her appeal, which the Board addressed in its July 22, 2009, decision. With such arguments, Appellant fails to convince us that the Board must reconsider its decision or that the Board incorrectly addressed those matters.

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
Debora G. Luther
Administrative Judge

*Interior Board of Land Appeals, sitting by designation.