



INTERIOR BOARD OF INDIAN APPEALS

Estate of Goldie Nora Iron Hawk, a.k.a. Goldie War Bonnet

52 IBIA 14 (07/16/2010)

Dismissing petition for reconsideration of:
51 IBIA 282

an entirely new issue in asserting for the first time his interest in purchasing his mother's trust land interests. *See* 43 C.F.R. Part 30, Subpart G. The time to raise this issue was during the proceedings before the IPJ, not in a petition for reconsideration to the Board. *See Crooks v. Minneapolis Area Director*, 14 IBIA 271, 272 (1986) (the Board "will not consider an issue in a petition for reconsideration which has not been timely raised and considered below"); *see also* 43 C.F.R. §§ 30.160(b) ("A purchase option must be exercised before a decision or order is entered and must be included as part of the order in the estate"), 30.164 (same).³ Because the Board's jurisdiction is limited to appeals by persons "adversely affected by a *decision or order of a judge under part 30 of this subtitle . . .*" (c) [r]egarding purchase of interests in a deceased Indian's trust estate," 43 C.F.R. § 4.320 (emphasis added), and because the probate order in Decedent's estate makes no mention of a request by Appellant to purchase any or all of his mother's trust land interests, we must dismiss Appellant's petition for reconsideration for lack of jurisdiction.

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 of 51 IBIA 282.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge

³ As relevant to Appellant's appeal, "decision or order" means (1) a written disposition by a judge in which determinations are made as to heirs, wills, devisees, and creditor claims, and ordering the distribution of property, and (2) a written disposition by an attorney decision maker in a summary probate proceeding. 43 C.F.R. § 30.101. The Board reviews such decisions in its capacity as an appellate body, but does not render such decisions in the first instance. *See id.* § 4.320.