



INTERIOR BOARD OF INDIAN APPEALS

Steve Yates v. Northwest Regional Director, Bureau of Indian Affairs

53 IBIA 90 (03/08/2011)

Dismissing Petition for Reconsideration of:

52 IBIA 362



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

STEVE YATES,)	Order Dismissing Petition for
Appellant,)	Reconsideration
)	
v.)	
)	Docket No. IBIA 10-036-1
NORTHWEST REGIONAL)	
DIRECTOR, BUREAU OF)	
INDIAN AFFAIRS,)	
Appellee.)	March 8, 2011

On December 30, 2010, the Board of Indian Appeals (Board) affirmed the November 10, 2009, decision of the Northwest Regional Director (Regional Director), Bureau of Indian Affairs (BIA), in which he had affirmed the decision of the Superintendent of BIA's Puget Sound Agency (Superintendent) to adjust the annual rent for Lease No. 7860443 (covering Lot 47 of the Cobahud Waterfront Tracts on the Swinomish Reservation) from \$6,395 to \$9,000.¹ 52 IBIA 362. Appellant Steve Yates is the lessee of the subject lease. We affirmed the Regional Director's decision because Appellant failed to meet his burden of showing error in the decision.

On February 14, 2011, the Board received a letter from Appellant, the substance of which appears to be directed at the Board's December 30 decision. Although the letter is addressed to the Regional Director, Appellant may be seeking reconsideration of the Board's decision. Thus, we construe it as a petition for reconsideration, but must dismiss it as untimely. Petitions for reconsideration of a Board decision "must be filed with the Board within 30 days from the date of the decision. . . ." 43 C.F.R. § 4.315; *Pappin v. Eastern Oklahoma Regional Director*, 50 IBIA 353 (2009). Thus, the time for Appellant to file a petition for reconsideration by mail expired in January 2011. Appellant filed his petition with the Board on February 12, 2011, as shown by the date of the postmark. See 43 C.F.R. § 4.310(a) (date of mailing is date of filing). Thus, the petition for reconsideration is untimely.

¹ The Regional Director's decision also affirmed the decision of the Superintendent to increase the amount of Appellant's performance bond (or assignment of savings) to \$9,000.

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 as untimely.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge