



INTERIOR BOARD OF INDIAN APPEALS

Estate of Margerate Arline Glenn

54 IBIA 270 (02/22/2012)

Dismissing petition for reconsideration of:  
54 IBIA 191



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.<sup>3</sup>

I concur:

\_\_\_\_\_  
// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
// original signed  
Debora G. Luther  
Administrative Judge

---

<sup>3</sup> Although Appellant’s petition is untimely, we note that Appellant relies in part on outdated regulations which, had they applied to her appeal, would have allowed her 60 days in which to appeal from the ALJ’s decision. But as the ALJ explained in his notice of appeal rights from the Rehearing Order, which Appellant attached to her appeal, the current regulations provide that an appeal from a probate judge’s decision must be filed with the Board within 30 days from the date the decision was mailed. *See* 43 C.F.R. § 4.321(a).

We also note that although we dismissed Appellant’s most recent appeal as untimely, the Board fully considered and rejected Appellant’s challenges to Decedent’s will in *Estate of Margerate Arline Glenn*, 50 IBIA 5, *recon. dismissed*, 50 IBIA 150 (2009). The Board’s previous remand to the Probate Hearings Division was for the sole purpose of addressing a new issue that arose regarding the will beneficiaries, not to provide Appellant with an opportunity to relitigate her challenges to Decedent’s will.