



INTERIOR BOARD OF INDIAN APPEALS

Estate of Annie Shandreau Graveen

4 IBIA 226 (11/21/1975)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF ANNIE SHANDREAU GRAVEEN

IBIA 76-16

Decided November 21, 1975

Petition to reopen.

Docketed, Granted and remanded.

1. Indian Probate: Reopening: Waiver of Time Limitation

An Administrative Law Judge is without power to reopen a case after the passage of 3 years from the date the judge enters the order, but the Secretary is not bound by the limitations of 43 CFR 4.242 and he may waive the time limitations when some factor, such as newly discovered evidence or fraud is brought to his attention.

APPEARANCES: Norma Angeline Ackley Coombs, petitioner, pro se.

OPINION BY ADMINISTRATIVE JUDGE WILSON

The above-entitled matter comes before this Board on an oral deposition of Norma Angeline Ackley Coombs filed with Administrative Law Judge Vernon J. Rausch. The Administrative Law Judge considered the deposition as a petition for reopening and referred the matter to this Board for consideration pursuant to 43 CFR 4.242.

[1] The estate herein having been closed for more than 3 years, the matter was properly referred to this Board for appropriate action pursuant to 43 CFR 4.242(h) since the Secretary is not bound thereby and he may waive the time limitation when some factor, such as newly discovered evidence or fraud, is brought to his attention.

