



INTERIOR BOARD OF INDIAN APPEALS

William L. and Craig B. Potter v. Acting Deputy Assistant Secretary -
Indian Affairs (Operations)

10 IBIA 134 (10/07/1982)

Denying reconsideration of:
10 IBIA 33



United States Department of the Interior

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

WILLIAM L. POTTER and
CRAIG B. POTTER

v.

ACTING DEPUTY ASSISTANT
SECRETARY--INDIAN AFFAIRS
(OPERATIONS)

: Order Denying Petition for
: Reconsideration
:
:
: Docket No. IBIA 82-31-A
:
:
: October 7, 1982

On October 4, 1982, the Board received a document entitled "appellants' application for rehearing en banc" and dated September 29, 1982, from counsel for appellants in this case. The application seeks review of the Board's July 28, 1982 order dismissing appellants' appeal.

The Board's regulations in 43 CFR 4.315 permit the filing of petitions for reconsideration of final decisions or orders. Appellants' application can only be treated as a petition under this provision.

Pursuant to 43 CFR 4.315(a), a petition for reconsideration "must be filed with the Board within 30 days from receipt of the decision." The administrative file in this case indicates that counsel for appellants received the Board's dismissal order on July 31, 1982. Thus, appellants had until August 30, 1982, in which to file a petition for reconsideration.

This petition was, therefore, not timely filed under the regulations, and must be denied.

//original signed
Franklin D. Arness
Administrative Judge

We concur:

//original signed
Wm. Philip Horton
Chief Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge