



INTERIOR BOARD OF INDIAN APPEALS

Lovelock Paiute Tribe v. Acting Phoenix Area Director,
Bureau of Indian Affairs

17 IBIA 223 (08/15/1989)

Related Board case:
18 IBIA 249



United States Department of the Interior

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

LOVELOCK PAIUTE TRIBE,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 89-80-A
ACTING PHOENIX AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	August 15, 1989

On August 14, 1989, the Board of Indian Appeals received a notice of appeal from the Lovelock Paiute Tribe, pro se. Appellant seeks review of a June 15, 1989, decision of the Acting Phoenix Area Director, Bureau of Indian Affairs, denying appellant's application for a grant under the Core Management Grant Program.

Appellant states that it received the Acting Area Director's decision on July 5, 1989. Its notice of appeal, although dated August 4, 1989, is postmarked August 10, 1989.

The Acting Area Director's decision advised appellant that its appeal must be filed with the Board and must be mailed within 30 days of appellant's receipt of the decision. This statement describes the Board's regulations concerning the filing of notices of appeal. See 43 CFR 4.310(a), 4.332(a), 54 FR 6485, 6488 (Feb. 10, 1989). 43 CFR 4.332(a) provides that "[a] notice of appeal shall be * * * filed with the Board * * * within 30 days after receipt by the appellant of the decision from which the appeal is taken. A notice of appeal not timely filed shall be dismissed for lack of jurisdiction."

Appellant's notice of appeal was not mailed within 30 days after its receipt of the Acting Area Director's decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Acting Phoenix Area Director's June 15, 1989, decision is dismissed for lack of jurisdiction.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge