



INTERIOR BOARD OF INDIAN APPEALS

Estate of Ernest McBride

20 IBIA 267 (09/23/1991)



United States Department of the Interior

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

ESTATE OF ERNEST McBRIDE : Order Docketing and Dismissing Appeal
:
: Docket No. IBIA 91-130
:
: September 23, 1991

On September 9, 1991, the Board of Indian Appeals received a notice of appeal from Ross McBride. Appellant indicated that he was appealing a decision entered in this estate by Administrative Law Judge William E. Hammett. No copy of the decision appealed from was included with the notice of appeal. The Board contacted Judge Hammett's office and learned that the Judge issued an order denying petition for rehearing on July 5, 1991, and that he had issued no subsequent orders in the estate. The Board received a copy of the July 5 order on September 20, 1991.

The Board docketed this appeal under the above case name and number but finds that it must be dismissed.

Judge Hammett's July 5, 1991, order informed the parties that any appeal therefrom was required to be filed within 60 days of the date of the order. Appellant's notice of appeal was postmarked September 4, 1991, more than 60 days after the date of Judge Hammett's order. Under 43 CFR 4.320, the Board must dismiss an appeal that is not timely filed. See, e.g., Estate of Mary May LaRose Murray, 18 IBIA 49 (1989).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed as untimely.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge