



INTERIOR BOARD OF INDIAN APPEALS

Gilbert Keester v. Acting Aberdeen Area Director, Bureau of Indian Affairs

21 IBIA 41 (11/07/1991)

Denying reconsideration of:

20 IBIA 277

Further requests for reconsideration:

21 IBIA 73

21 IBIA 133



United States Department of the Interior

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

GILBERT KEESTER,
Appellant

v.

ACTING ABERDEEN AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying a Request for an
: Extension of Time for Filing a
: Petition for Reconsideration

:
:
: Docket No. IBIA 90-141-A
:
: November 7, 1991

On November 4, 1991, the Board of Indian Appeals (Board) received a request from appellant Gilbert Keester for an additional 30 days in which to file a petition for reconsideration of the Board's September 24, 1991, decision in the above case. See 20 IBIA 277. Reconsideration of Board decisions is governed by 43 CFR 4.315, which states in pertinent part:

(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from the date of the decision and shall contain a detailed statement of the reasons why reconsideration should be granted.

Under 43 CFR 4.310 (d) (2), a request for an extension of time for the filing of a document must be filed within the time originally allowed for filing the document. 43 CFR 4.310(a) provides that appellant's request was filed on the date it was mailed. The postmark on the envelope shows that the request was mailed on October 30, 1991, which is more than 30 days from the date of the Board's September 24, 1991, decision. Accordingly, even assuming that the Board might grant an extension of time for filing a petition for reconsideration, the request for an extension was untimely.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this request for an extension of time for filing a petition for reconsideration is denied.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge