



INTERIOR BOARD OF INDIAN APPEALS

Kenneth F. Abbott v. Billings Area Director, Bureau of Indian Affairs

21 IBIA 137 (01/27/1992)

Related Board case:
20 IBIA 268



United States Department of the Interior

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

KENNETH F. ABBOTT,
Appellant

v.

BILLINGS AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Application for Attorney's Fees
:
:
: Docket No. IBIA 92-104-F
: (IBIA 90-107-A)
:
: January 7, 1992

Appellant has filed an application for attorney's fees in regard to Abbott v. Billings Area Director, in which the Board issued a decision on September 24, 1991. 20 IBIA 268.

Even assuming appellant's request could otherwise be considered, ^{1/} it would have to be dismissed as untimely. Appellant's application is postmarked December 27, 1991, and was received by the Board on December 30, 1991. 43 CFR 4.611(a) provides that "[a]n application [for attorney's fees] must be filed no later than 30 days after final disposition of the proceeding."

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this application for attorney's fees is dismissed.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge

^{1/} Appellant's case is not one in which the Department's regulations allow award of attorney's fees under the Equal Access to Justice Act. See Utu Utu Gwaitu Paiute Tribe v. Sacramento Area Director, 17 IBIA 141 (1989). Cf. Ardestani v. Immigration & Naturalization Service, 60 U.S.L.W. 4035 (U.S. Dec. 10, 1991).