



INTERIOR BOARD OF INDIAN APPEALS

Philip W. Kozak, Jr. v. Acting Aberdeen Area Director,  
Bureau of Indian Affairs

24 IBIA 242 (10/01/1993)

Denying reconsideration of:  
24 IBIA 207



# United States Department of the Interior

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

PHILIP W. KOZAK, JR.,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 93-127-A
ACTING ABERDEEN AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 1, 1993

On September 30, 1993, the Board of Indian Appeals (Board) received a petition for reconsideration of its September 21, 1993, order dismissing this appeal as being untimely filed. 24 IBIA 207. Appellant Philip W. Kozak, Jr., sought review of a July 14, 1993, decision issued by the Acting Aberdeen Area Director, Bureau of Indian Affairs (Area Director), denying appellant's application for a U.S. Direct Loan in the amount of \$387,025.

In his petition for reconsideration, appellant states that when he first started the appeal process he contacted the offices of his United States Senator and Representative. He further indicates that the person who had been working with him through those offices was unable to complete the process because of medical problems. He states that because of that individual's illness, he was not sure what he was supposed to do.

As noted in the Board's original order, the Area Director's decision clearly informed appellant that any appeal was to be filed with the Board, and gave the Board's mailing address. The decision also told appellant that a notice of appeal needed to be filed with the Board within 30 days from the date he received the decision. Appellant was fully advised of the information necessary to file a timely appeal. Although the Board regrets the illness of the individual who was assisting appellant, appellant, not that individual, was responsible for filing a timely appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this petition for reconsideration of the Board's September 21, 1993, order dismissing appellant's appeal as untimely is denied.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge