



INTERIOR BOARD OF INDIAN APPEALS

Julia H. Reeves v. Anadarko Area Director, Bureau of Indian Affairs

25 IBIA 64 (12/03/1993)

Denying reconsideration of:
25 IBIA 40



United States Department of the Interior

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

JULIA H. REEVES,	:	Order Denying Reconsideration
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 94-19-A
ANADARKO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	December 3, 1993

On November 24, 1993, the Board dismissed as untimely an appeal filed by Julia H. Reeves (appellant). 25 IBIA 40. The Board has now received a letter from appellant, possibly intended as a petition for reconsideration of the Board's November 24 decision. For purposes of this decision, the Board assumes that she intended it as such.

Appellant states that she has always responded to BIA correspondence promptly and contends that it is BIA which has been untimely in acting on her requests. She also states that, because she is not a lawyer, she did not understand the legal terminology in the regulations and so had requested assistance from BIA in preparing her appeal.

Appellant does not contend that she filed a timely notice of appeal with the Board. Rather, it is apparently her contention that, because she did not understand BIA's and the Board's appeal regulations, she should be excused from the requirement to file a timely notice of appeal.

It was not necessary for appellant to be a lawyer or to consult any regulations in order to file her notice of appeal. Clear appeal instructions were given in the Area Director's September 27, 1993, decision. Most appellants before the Board are non-lawyers, yet have no difficulty in understanding these instructions.

Finally, appellant contends: "I am being blamed for the tardiness and malfunctioning of your agency." She fails to explain, however, how any tardiness or malfunctioning on the part of BIA or this Board prevented her from following the appeal instructions in the Area Director's decision. Appellant has only herself to blame for her failure to file a timely notice of appeal.

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 is denied. This decision is final for the Department of the Interior. Appellant may proceed to Federal district court.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge