



INTERIOR BOARD OF INDIAN APPEALS

Joe Brooks v. Muskogee Area Director, Bureau of Indian Affairs

25 IBIA 96 (01/04/1994)

Denying reconsideration of:
25 IBIA 31



United States Department of the Interior

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

JOE BROOKS,	:	Order Denying Petition for
Appellant	:	Reconsideration
	:	
v.	:	
	:	Docket No. IBIA 93-23-A
MUSKOGEE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 4, 1994

Appellant Joe Brooks has petitioned for reconsideration of a decision issued by the Board of Indian Appeals (Board) on November 12, 1993. 25 IBIA 31. The case involves an October 6, 1992, decision of the Muskogee Area Director, Bureau of Indian Affairs (Area Director), not to approve a 5-year lease of Cherokee restricted land for retail tobacco sales and a trading post.

Reconsideration of Board decisions is governed by 43 CFR 4.315(a) which states in pertinent part: "Reconsideration of a decision of the Board will be granted only in extraordinary circumstances."

Appellant alleges that the Board misconstrued his position and therefore decided the appeal on grounds not raised. He contends that both the Area Director and the Board erred by not considering his evidence concerning negotiations for the lease. The Board did consider this argument, and concluded that appellant had misinterpreted the Area Director's reference to the Board's decision in Peace Pipe, Inc. v. Acting Muskogee Area Director, 22 IBIA 1 (1992), aff'd, Pipes, Inc. v. United States, No. 92-C-373-B (N.D. Okla. Dec. 4, 1992).

The Board concludes that the issues raised in appellant's petition for reconsideration were fully considered in its initial decision.

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 is denied.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge