



INTERIOR BOARD OF INDIAN APPEALS

American Land Development Corp. v. Acting Phoenix Area Director,
Bureau of Indian Affairs

25 IBIA 197 (02/28/1994)

Denying reconsideration of:
25 IBIA 120

Judicial review of this case:
Appeal dismissed, *American Land Development Corp. v. Babbitt*,
No. CV-S-94-00616-LDG (D. Nev.)
Dismissal affirmed, 133 F.3d 925 (Table) (9th Cir. 1998)

Related Board case:
26 IBIA 197



United States Department of the Interior

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

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| AMERICAN LAND DEVELOPMENT | : | Order Denying Reconsideration |
| CORP., | : | |
| | : | |
| Appellant | : | |
| | : | |
| v. | : | Docket No. IBIA 94-2-A |
| ACTING PHOENIX AREA DIRECTOR, | : | |
| BUREAU OF INDIAN AFFAIRS, | : | |
| Appellee | : | February 28, 1994 |

This appeal was dismissed as untimely on January 12, 1994. 25 IBIA 120. Appellant now seeks reconsideration and, in so doing, objects to nearly every statement made and conclusion reached in the Board's decision. The Board has reviewed appellant's petition but finds nothing that persuades it that its initial decision should be altered.

Appellant, or more particularly, appellant's attorney, is understandably chagrined at the dismissal. Failure to perfect an appeal is a serious matter for an attorney, and the Board sympathizes with him. Nevertheless, the Board's sympathy for counsel's predicament cannot overcome the explicit requirement in 43 CFR 4.332(a) that an untimely appeal be dismissed for lack of jurisdiction. Nor can it allow the Board to disregard the other interests at stake in this matter, most particularly those of the Fort Mojave Tribe, whose lease to appellant was the subject of appellant's attempted appeal. When no appeal was timely filed from cancellation of the lease, the cancellation became final, and the Tribe acquired the right to make other plans for the productive use of its land.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellant's petition for reconsideration is denied.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge