



INTERIOR BOARD OF INDIAN APPEALS

Michael Grass v. Bureau of Indian Affairs

33 IBIA 254 (04/21/1999)

Related Board case:
33 IBIA 81



United States Department of the Interior

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

MICHAEL GRASS,	:	Order Docketing and Dismissing Appeal
Appellant	:	
	:	
v.	:	Docket No. IBIA 99-52-A
	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	April 21, 1999

The Board of Indian Appeals (Board) issued a decision in Livermont v. Acting Aberdeen Area Director on December 8, 1998. 33 IBIA 81. It reversed a decision issued by the Aberdeen Area Director, Bureau of Indian Affairs (Area Director; BIA), which had cancelled a grazing permit held by Jerry, Wade, and Willie Livermont for Range Unit (RU) 165 on the Pine Ridge Reservation.

The Board has received a notice of appeal from Appellant Michael Grass who had been awarded RU 165 when BIA cancelled the Livermont permit. Appellant states that on March 18, 1999, he received a letter from BIA notifying him that his grazing permit for RU 165 was being vacated. Appellant seeks either reinstatement of his grazing privileges or compensation in the amount of \$18,135.88 for the land he has been unable to use, plus any additional damages.

The vacation of Appellant's grazing permit was the necessary result of the Board's decision in Livermont. Thus, his complaint is not with BIA's decision, but rather with the Board's. As an interested party, Appellant was sent a copy of the Board's decision in Livermont. The address which the Board used for Appellant is the same as that shown on his present notice of appeal, with the exception of the zip code, which appears to be incorrect on the notice of appeal. Appellant's notice of appeal is too late to be treated as a petition for reconsideration of the decision in Livermont. See 43 C.F.R. § 4.315(a), which provides that a petition for reconsideration must be filed within 30 days of the date of the Board's decision. Accordingly, Livermont is final for the Department of the Interior and Appellant should pursue his complaint in Federal court.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed, but dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge