



INTERIOR BOARD OF INDIAN APPEALS

Patrick Stevens v. Billings Area Director, Bureau of Indian Affairs

34 IBIA 92 (08/16/1999)



# United States Department of the Interior

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

PATRICK STEVENS, Appellant	:	Order Docketing and Dismissing Appeal
	:	
	:	
v.	:	
	:	Docket No. IBIA 99-86-A
BILLINGS AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	
	:	
	:	August 16, 1999

Appellant Patrick Stevens filed a notice of appeal with the Board of Indian Appeals (Board). Appellant states that he is seeking review of a decision of the Superintendent, Crow Agency, Bureau of Indian Affairs (Superintendent; BIA), which he received on July 12, 1999. Employees at the Crow Agency confirmed that the document which Appellant received on that date was a June 28, 1999, letter to him from the Superintendent. The letter concerns the cancellation of Appellant's farming and grazing lease on Allotment 2636 on the Crow Indian Reservation. A cancellation form attached to the letter states that the action is based on a June 15, 1999, decision issued by the Billings Area Director, BIA (Area Director). The Area Director's June 15, 1999, decision shows that he reversed a decision of the Superintendent and remanded this matter to the Superintendent.

The cancellation of Appellant's lease was the necessary result of the Area Director's decision. Thus, Appellant's complaint is not with the Superintendent's action to cancel his lease, but rather with the Area Director's decision. As an interested party, Appellant was sent a copy of the Area Director's June 15, 1999, decision. That decision notified interested parties of the right to appeal from the decision, including the information that any notice of appeal had to be filed within 30 days of receipt of the decision. See 25 C.F.R. § 2.7(c). The Board requested a copy of the return receipt (green) card for Appellant's copy of the Area Director's decision. That card shows that Appellant signed for his copy of the decision on June 18, 1999. Appellant's notice of appeal to the Board is postmarked August 9, 1999, or more than 30 days later. Because no appeal was filed within the appeal time frame, the Area Director's June 15, 1999, decision is final for the Department. Cf. Grass v. Bureau of Indian Affairs, 33 IBIA 254 (1999) (appeal taken from Area Director's implementation of Board decision).

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 from the Area Director's June 15, 1999, decision is docketed but is dismissed as untimely.

\_\_\_\_\_  
//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Anita Vogt  
Administrative Judge