



INTERIOR BOARD OF INDIAN APPEALS

William Blackdeer v. Midwest Regional Director, Bureau of Indian Affairs

35 IBIA 92 (06/28/2000)

Reconsideration denied:
35 IBIA 147



United States Department of the Interior

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

WILLIAM BLACKDEER,
Appellant

v.

MIDWEST REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 00-94-A
:
:
: June 28, 2000

This is an appeal from a May 19, 2000, decision issued by the Midwest Regional Director, Bureau of Indian Affairs, concerning the granting of a residential lease to Emily Blackdeer for a portion of the Blackdeer Homestead, Ho-Chunk Allotment No. 156, in Jackson County, Wisconsin.

Appellant William Blackdeer states that he received the Regional Director's decision on May 22, 2000, and encloses a copy of a receipt for certified mail, showing that date. Appellant's notice of appeal to the Board is dated June 21, 2000. However, the postmark shows that the notice was mailed on June 22, 2000, more than thirty days after May 22, 2000.

The Regional Director's decision stated:

Our decision may be appealed to the Interior Board of Indian Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203 * * *. Your notice of appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision. * * *

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

Appellant was given correct appeal instructions but failed to file a timely notice of appeal. 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 as untimely.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge