



INTERIOR BOARD OF INDIAN APPEALS

Calvin C. Hackford v. Western Regional Director, Bureau of Indian Affairs

37 IBIA 254 (05/30/2002)

Denying reconsideration of:
37 IBIA 196



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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CALVIN C. HACKFORD, Appellant	:	Order Denying Reconsideration
	:	
	:	
v.	:	
	:	Docket No. IBIA 01-80-A
	:	
WESTERN REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	May 30, 2002

Appellant Calvin C. Hackford seeks reconsideration of a decision issued by the Board of Indian Appeals (Board) on April 1, 2002. 37 IBIA 196. The Board's decision affirmed a January 11, 2001, decision issued by the Western Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning a bill for past due irrigation operation and maintenance assessment fees payable to the Uintah and Ouray Indian Irrigation Project.

The Board first notes that Appellant failed to serve his petition for reconsideration on the Regional Director, although he did serve the Assistant Secretary - Indian Affairs. Appellant has been before the Board on several other occasions, and should be well aware of his responsibility to serve the BIA deciding official. In any event, he was informed of this responsibility in the Board's notice of docketing in this appeal. Because of the Board's disposition of this petition, however, it sees no point in further delaying final Departmental resolution of this matter in order to allow time for the Regional Director to respond to Appellant's petition.

For the most part, Appellant repeats in his petition for reconsideration arguments that he made in his notice of appeal and statement of reasons. The Board considered those arguments in its initial decision. Although Appellant states the arguments differently, the Board finds nothing in the arguments which causes it to reconsider its decision.

Appellant also raises several new arguments and/or issues in his petition for reconsideration. The Board is not required to consider new arguments or issues raised for the first time in a petition for reconsideration. See *Yeahquo v. Southern Plains Regional Director*, 36 IBIA 59 (2001), and cases cited there.

Even if the Board were to consider Appellant's new arguments, it would find those arguments unpersuasive.

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 petition for reconsideration is denied.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge