



INTERIOR BOARD OF INDIAN APPEALS

Windy Shoulderblade v. Rocky Mountain Regional Director,
Bureau of Indian Affairs

37 IBIA 303 (06/27/2002)

Related Board cases:

38 IBIA 75

39 IBIA 136



United States Department of the Interior

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

WINDY SHOULDERBLADE, Appellant	:	Order Docketing and Dismissing Appeal
	:	
	:	
v.	:	
	:	Docket No. IBIA 02-107-A
ROCKY MOUNTAIN REGIONAL DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	:	:
	:	
	:	June 27, 2002

On May 7, 2002, the Board of Indian Appeals received a notice of appeal from Windy Shoulderblade (Appellant), who sought review of a March 25, 2002, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs, concerning a lease of land within Northern Cheyenne Allotment 616.

Appellant stated in his notice of appeal that he received the Regional Director's decision on April 5, 2002. However, the administrative record submitted by the Regional Director shows that Appellant's copy of the decision was sent to him by certified mail and was signed for on March 30, 2002, by a person at Appellant's address. Appellant is deemed to have received the Regional Director's decision on March 30, 2002, the date shown on the return receipt. See Northwest Pipeline Corp. v. Acting Northwest Regional Director, 36 IBIA 91, 93 (2001), and cases cited therein.

Appellant's notice of appeal to the Board was postmarked May 2, 2002, more than 30 days after March 30, 2002.

The Regional Director's decision stated:

This decision may be appealed to the Interior Board of Indian Appeals,
* * *. 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 is dismissed as untimely.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge