



INTERIOR BOARD OF INDIAN APPEALS

Floyd L. Hand, Jr. v. Great Plains Regional Director, Bureau of Indian Affairs

38 IBIA 34 (07/30/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

FLOYD L. HAND, JR.,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 02-134-A
GREAT PLAINS REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	July 30, 2002

On July 16, 2002, the Board of Indian Appeals (Board) received a notice of appeal from Floyd L. Hand, Jr., pro se (Appellant). Appellant sought review of a May 17, 2002, decision issued by the Great Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning a November 5, 1970, deed to restricted land covering 10 acres, more or less, within OS-308 on the Pine Ridge Indian Reservation.

The Regional Director's decision properly informed Appellant that any appeal had to be filed with the Board within 30 days from receipt of the decision. A document is filed with the Board on the date of postmark. Appellant's notice of appeal was postmarked on July 9, 2002. The Board requested that the Great Plains Regional Office provide it with a copy of the certified mail receipt card (green card) for Appellant's copy of the decision. The Regional Office informed the Board that it did not have the green card, and would ask the U.S. Postal Service to trace the package. On July 29, 2002, the Regional Office provided the Board with the information given to it by the Postal Service. The Postal Service indicated that the letter was signed for by Natalie Hand at 1:43 pm on May 20, 2002.

Appellant's notice of appeal is not timely. 43 C.F.R. § 4.332(a) provides: "A notice of appeal not timely filed shall be dismissed for lack of jurisdiction." Under this regulation, the Board must dismiss this appeal.

The Board notes, however, that Appellant alleges that the parcel of land discussed in the Regional Director's May 17, 2002, decision is not the same parcel about which he inquired. If this is the case, Appellant has actually not yet received a decision in the matter which he raised with BIA. The Regional Director may wish to consult with the Office of the Solicitor in order to determine if there is still an issue pending before her.

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 for lack of jurisdiction.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge