



INTERIOR BOARD OF INDIAN APPEALS

James M. Lira v. Acting Pacific Regional Director, Bureau of Indian Affairs

38 IBIA 107 (09/12/2002)

Denying Reconsideration of:  
38 IBIA 36



# 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

JAMES M. LIRA,  
Appellant

v.

ACTING PACIFIC REGIONAL  
DIRECTOR, BUREAU OF INDIAN  
AFFAIRS,  
Appellee

: Order Denying Reconsideration  
:  
:  
:  
: Docket No. IBIA 01-184-A  
:  
:  
: September 12, 2002

Appellant James M. Lira seeks reconsideration of the Board’s August 5, 2002, decision in this case. 38 IBIA 40. He contends that “the Board made an error of fact and did not adequately consider several areas of the law.” Petition for Reconsideration at 1. However, he does not identify the error of fact he believes the Board made and his legal arguments are the same or similar to the arguments he made earlier.

43 C.F.R. § 4.315(a) provides that “[r]econsideration of a decision of the Board will be granted only in extraordinary circumstances.” The Board has consistently held that extraordinary circumstances are not present when the party seeking reconsideration merely repeats the same arguments that were made and considered earlier. E.g., Yeahquo v. Southern Plains Regional Director, 36 IBIA 59 (2001). The Board holds here that extraordinary circumstances are not present when the party seeking reconsideration asserts that the Board made an error of fact but does not identify the alleged error. Appellant has not shown that extraordinary circumstances are present here.

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.

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//original signed  
Anita Vogt  
Administrative Judge

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge