



INTERIOR BOARD OF INDIAN APPEALS

Cheyenne River Sioux Tribe v. Acting Great Plains Regional Director,
Bureau of Indian Affairs

39 IBIA 42 (04/30/2003)



United States Department of the Interior

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

CHEYENNE RIVER SIOUX TRIBE,	:	Order Docketing and Dismissing Appeal
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 03-74-A
ACTING GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	April 30, 2003

On March 17, 2003, the Board of Indian Appeals (Board) received a notice of appeal from the Cheyenne River Sioux Tribe (Appellant). Appellant seeks review of a February 5, 2003, decision of the Acting Great Plains Regional Director, Bureau of Indian Affairs, disapproving a proposed exchange of lands between the Tribe and tribal member Rick Farlee. For the reasons discussed below, the Board docketed this appeal but dismisses it as untimely.

The Regional Director’s decision advised Appellant that an appeal “must be mailed within 30 days of the date you receive this decision.” Feb. 5, 2003, Decision at 1. The Board received the administrative record in this matter on April 28, 2003. It contained a copy of a return receipt showing that Appellant received the Regional Director’s decision on February 7, 2003. Appellant’s notice of appeal should have been mailed by March 10, 2003. However, the postmark on Appellant’s notice of appeal is March 12, 2003.

“The Board is prohibited by regulation from considering an untimely appeal. See 43 C.F.R. § 4.332(a) (‘A notice of appeal not timely filed shall be dismissed for lack of jurisdiction’).” Adams v. Rocky Mountain Regional Director, 36 IBIA 286, 287 (2001).

Appellant has failed to file a timely notice of appeal from the Regional Director’s February 5, 2002, decision.

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

Kathleen R. Supernaw
Acting Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge