



INTERIOR BOARD OF INDIAN APPEALS

Richard William Harrington, Jr. v. Department of the Interior

40 IBIA 258 (02/17/2005)

Denying reconsideration of:
40 IBIA 215



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

RICHARD WILLIAM HARRINGTON, JR., : Order Denying Reconsideration
Appellant, :
 :
v. : Docket No. IBIA 05-36-A
 :
DEPARTMENT OF THE INTERIOR, :
Appellee. : February 17, 2005

Appellant Richard William Harrington, Jr., seeks reconsideration of the Board of Indian Appeals' (Board) January 24, 2005, order docketing and dismissing this appeal, in which Appellant appeared to be seeking appointment of counsel or other legal experts, by the Department of the Interior, to assist him in certain proceedings before the Supreme Court. 40 IBIA 215. The Board concluded that it lacked jurisdiction to consider Appellant's request.

In his motion for reconsideration, Appellant states that he "only sought the [Board's] instruction as to what the [Board] still required before [his] case was submitted for review of appointment of counsel and expert witness[es] to be paid by the [United States]." Appellant also indicates that the appeal he wishes to pursue, apparently with the assistance of appointed counsel, involves treaty lands and alleged racial discrimination. But as was the case with his initial notice of appeal, he identifies no action or inaction by an official of the Bureau of Indian Affairs that might be reviewable by the Board.

Reconsideration of a decision of the Board is granted only in extraordinary circumstances. 43 C.F.R. § 4.315. Appellant's request for reconsideration states no grounds that would warrant reconsideration of the Board's conclusion that it lacks jurisdiction to consider Appellant's appeal or to provide Appellant with the instruction or advice he seeks. As stated in the Board's order dismissing the appeal, the Board is not a court or administrative body with general jurisdiction to address requests directed to the Department. 40 IBIA 215.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the motion for reconsideration of 40 IBIA 215 is denied.

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Colette J. Winston
Administrative Judge