



INTERIOR BOARD OF INDIAN APPEALS

Debra F. Claymore v. Great Plains Regional Director, Bureau of Indian Affairs

43 IBIA 274 (09/29/2006)

Related Board cases:

43 IBIA 266

43 IBIA 270



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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DEBRA F. CLAYMORE,	:	Order Docketing and Dismissing
Appellant,	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 06-126-A
GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	September 29, 2006

On September 29, 2006, the Board of Indian Appeals (Board) received a notice of appeal from Debra F. Claymore (Appellant), *pro se*. Appellant seeks review of an August 3, 2006 decision of the Great Plains Regional Director, Bureau of Indian Affairs (Regional Director; BIA), establishing a grazing rental rate of \$16.10 an Animal Unit Month for individually-owned Indian lands on the Cheyenne River Reservation for the 2007 grazing season, pursuant to 25 C.F.R. § 166.408. The Board docketed this appeal, but dismisses it for lack of jurisdiction because it is untimely.

A notice of appeal from a decision of a BIA Regional Director must be filed with the Board within 30 days after receipt by the appellant of the decision from which the appeal is taken. 43 C.F.R. § 4.332(a). The 30-day deadline for filing a notice of appeal is jurisdictional. *Id.*; *Tsosie v. Acting Navajo Regional Director*, 42 IBIA 131 (2006). Untimely appeals must be dismissed. *State of Kansas v. Southern Plains Regional Director*, 43 IBIA 229, 230 (2006).

In her notice of appeal, Appellant states that she received the Regional Director's decision on August 10, 2006. The Regional Director's decision provided correct appeal instructions, including the requirement that a notice of appeal be mailed to the Board within 30 days of the date that an appellant receives the Regional Director's decision. Appellant filed her notice of appeal on September 27, 2006, as evidenced by the postmark shown on the envelope in which her appeal was mailed. *See* 43 C.F.R. § 4.310(a).

Because Appellant filed her appeal after the 30-day time period expired, her appeal must be dismissed. 1/

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.01, the Board docketed this appeal, but dismisses it for lack of jurisdiction.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Charles E. Breece
Acting Administrative Judge

1/ On September 5, 8 and 11, 2006, the Board received separately-filed appeals, numbering 18 in all, seeking review of the same August 3, 2006 Cheyenne River Reservation grazing rate decision of the Regional Director. On September 15, 2006, the Board consolidated those appeals. See Sept. 15, 2006 Order, Leroy and Linda DuBray, et al. v. Great Plains Regional Director. The DuBray appeal has been assigned IBIA Docket No. 06-114-A, and docket numbers are being assigned to the other appeals 20 days after receipt, pursuant to 43 C.F.R. § 4.336. Our dismissal of Claymore's appeal does not affect the remaining consolidated appeals, or Appellant's right to participate as an interested party (but not as an appellant) in that case.