



INTERIOR BOARD OF INDIAN APPEALS

Estate of Wilda Ethel Ward

45 IBIA 195 (08/23/2007)

Denying reconsideration of:
45 IBIA 129



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF WILDA ETHEL WARD) Order Denying Reconsideration
)
) Docket No. IBIA 07-108
)
) August 23, 2007

On July 30, 2007, the Board of Indian Appeals (Board) dismissed this appeal filed by Timothy I. Davis, Sr. (Appellant), for failing to respond to an order issued by the Board on June 11, 2007. 45 IBIA 129. That order required him to serve his notice of appeal on all interested parties *and* to inform the Board that he had done so. On August 13, 2007, the Board received a letter from Appellant, in which he appears to claim that he complied with the Board's June 11 Order. The Board construes the letter as a petition for reconsideration within the meaning of 43 C.F.R. § 4.315 and denies reconsideration.

Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315(a); *Estate of Robert Henry Moran, Sr.*, 45 IBIA 26 (2007). Subsection 4.315(a) requires any party petitioning for reconsideration to provide "a detailed statement of the reasons why reconsideration should be granted."¹

Appellant appears to claim that he served his notice of appeal as required by the Board's June 11 Order and implies that he sent a letter to the Board confirming that he had complied.² The Board never received any such letter, either before or following our dismissal of his appeal. Appellant does not provide the Board with a copy of the letter that he claims to have sent to the Board nor does he provide any evidence, in the form of other documentation or affidavit, that confirms that he served the notice of appeal on interested

¹ A copy of the regulations, including section 4.315, was provided to Appellant and all interested parties with the Board's June 11 Order.

² Appellant states that he does not know "why [the Board] never got [its] letter [be]cause everybody got th[e]ir letter." Petition for Reconsideration at 1. It is not clear whether Appellant mailed the Board a copy of a letter that he also sent to other interested parties or whether he may have sent the Board a letter to confirm that he had complied with the Board's June 11 Order.

parties *and* that he mailed a statement certifying compliance to the Board. In short, Appellant’s petition for reconsideration is not sufficiently supported to enable the Board to determine whether he did in fact comply with the Board’s June 11 Order, which required him to serve his notice of appeal on all interested parties and “file a statement with the Board identifying by name and address each person to whom he sent a copy of his notice of appeal and the date he did so.” Thus, Appellant does not show extraordinary circumstances warranting reconsideration of our dismissal of his appeal for failure to comply with the Board’s June 11 Order.³

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board denies reconsideration of 45 IBIA 129.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge

³ We are also unable to determine whether Appellant served his Petition for Reconsideration on any interested party. *See* 43 C.F.R. § 4.310(b).