



## INTERIOR BOARD OF INDIAN APPEALS

Michael Chosa v. Midwest Regional Director, Bureau of Indian Affairs

47 IBIA 50 (04/30/2008)

Denying reconsideration of:  
46 IBIA 316



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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MICHAEL CHOSA,	)	Order Denying Reconsideration
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 06-9-A
MIDWEST REGIONAL DIRECTOR,	)	
BUREAU OF INDIAN AFFAIRS,	)	
Appellee.	)	April 30, 2008

On April 24, 2008, the Board of Indian Appeals (Board) received a letter from Appellant Michael Chosa in which he states that he wishes to appeal the Board’s March 25, 2008, decision to affirm the September 9, 2005, decision of the Midwest Regional Director, Bureau of Indian Affairs (Regional Director). 46 IBIA 316. The Regional Director denied Appellant’s challenges to a Secretarial election held on July 26, 2005, at the request of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin (Tribe). We construe Appellant’s letter as a request for reconsideration, and deny the request inasmuch as Appellant only repeats several arguments that the Board rejected in its March 25 decision.

Reconsideration of a decision of the Board is granted only in extraordinary circumstances. 43 C.F.R. § 4.315(a). Appellant’s letter simply restates the arguments that he previously raised in his briefing to the Board, which the Board considered and rejected for the reasons set forth in its March 25 decision. For example, Appellant again argues that 25 U.S.C. § 476 requires “a majority vote of the [T]ribe” before the Tribe’s constitution may be amended. We addressed this argument. *See* 46 IBIA at 319 and n.8. He also repeats his argument that the voter registration requirement imposes a hardship on otherwise eligible tribal members who “do not understand the [voter registration] rule.” Letter from Appellant to the Board, Apr. 21, 2008. Again, this issue was addressed in our decision and rejected. *Id.* at 321-22.

We conclude that Appellant’s request for reconsideration, does not satisfy the standard of 43 C.F.R. § 4.315(a) for reconsideration. Appellant adduces no extraordinary circumstances meriting our reconsideration of our decision. *See Jacobs v. Great Plains*

*Regional Director*, 43 IBIA 272 (2006) (extraordinary circumstances not present where party seeking reconsideration merely reiterates the same arguments previously raised and considered); *Lira v. Acting Pacific Regional Director*, 38 IBIA 107 (2002) (same).

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 Appellant's request for reconsideration.

I concur:

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// original signed  
Debora G. Luther  
Administrative Judge

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge