



INTERIOR BOARD OF INDIAN APPEALS

Estate of Faith Edith Black Horse

49 IBIA 211 (05/26/2009)

Denying reconsideration of:
49 IBIA 196



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF FAITH EDITH
BLACK HORSE

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Order Denying Reconsideration

Docket No. IBIA 09-056-1

May 26, 2009

On May 6, 2009, the Board of Indian Appeals (Board) dismissed an appeal filed by Demetrius Black Bonnett (Appellant) from an Order Denying Reopening in the estate of his mother, Faith Edith Black Horse, Probate No. P000069903IP. 49 IBIA 196. Appellant's appeal was dismissed because he failed to comply with an order from this Board to serve interested parties with a copy of his notice of appeal and to file a statement with the Board confirming that he had done so. *Id.* In the alternative, the Board held that the Order Denying Reopening was suitable for summary affirmance because Appellant failed to show any error in the Order. Appellant seeks reconsideration of the Board's decision, which we deny on the grounds that no extraordinary circumstances justifying reconsideration are shown.

Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315; *Estate of Doris June Derickson*, 44 IBIA 177 (2007). On May 14, 2009, the Board received a letter from Appellant in which he states that he has "no way of making cop[ie]s for interested persons [and] no money to do this." Letter from Appellant to Board, dated May 12, 2009, at 1. Appellant also disagrees with the Board's determination that the Order Denying Reopening is entitled to summary affirmance.

The Board construes Appellant's letter as a request for reconsideration, and the request is denied. If Appellant required assistance in serving copies on interested parties, the time for informing the Board was prior to the time Appellant's response was due, not after the appeal was dismissed. Indeed, Appellant filed a response to the Board's order to show cause, which was part of the order requiring service of Appellant's notice of appeal. In his response, Appellant did not mention the Board's order to serve, much less did he inform the Board that he might have difficulty complying with the Board's order to serve. Thus, Appellant does not show extraordinary circumstances warranting reconsideration of

our decision to dismiss his appeal. *See* 43 C.F.R. § 4.320(c); *see Estate of Ruby Maldonado*, 36 IBIA 295 (2001).

Because we conclude that Appellant does not meet the standard for the Board to reconsider its decision to dismiss his appeal for failure to comply with the Board's order to serve, we need not consider Appellant's arguments with respect to the Board's alternate conclusion that the Order Denying Reopening would be summarily affirmed. Notwithstanding, we note that Appellant restates the same arguments made previously to the Board and rejected. Simply restating arguments previously made and considered does not, without more, establish extraordinary circumstances justifying reconsideration. *See Chosa v. Midwest Regional Director*, 47 IBIA 50 (2008), and cases cited therein.

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 49 IBIA 196.

I concur:

// original signed
Debora G. Luther
Administrative Judge

// original signed
Steven K. Linscheid
Chief Administrative Judge