



INTERIOR BOARD OF INDIAN APPEALS

Estate of Susan Jane Gould, a.k.a. Susan Jane Abrahamson

51 IBIA 150 (02/25/2010)

Denying Reconsideration of:  
51 IBIA 54



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ARLINGTON, VA 22203

ESTATE OF SUSAN JANE GOULD, ) Order Denying Reconsideration  
a.k.a. SUSAN JANE ABRAHAMSON )  
) Docket No. IBIA 09-141-1  
)  
)  
) February 25, 2010

On December 31, 2009, the Board of Indian Appeals (Board) dismissed an appeal filed by Gary J. Gould (Appellant) from an Order Denying Petition for Rehearing in the estate of his mother, Susan Jane Gould, a.k.a. Susan Jane Abrahamson, Probate No. P000044712IP. 51 IBIA 54. Appellant's appeal was dismissed because he failed to comply with two orders of the 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. On January 25, 2010, the Board received a letter from Appellant in which he apologizes for his delay in contacting the Board. We construe Appellant's letter as a request for 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). In his request for reconsideration, Appellant represents inter alia that he encountered unavoidable delays, presumably in responding to the Board's order, "d[ue] to the holidays and the threat of [swine] flu," which caused "the Spokane tribal court and some of the other main tribal businesses and agencies [to] close." Letter from Appellant to Board, Jan. 20, 2010.

Appellant does not represent that he did, in fact, serve interested parties with his notice of appeal. In addition, Appellant does not contend that the Board erred in determining that he had failed to comply with the Board's orders to serve all interested parties nor does he explain how these events (the holidays, the threat of swine flu, or the closing of tribal offices) interfered with his ability to comply with the Board's orders. If Appellant required assistance in serving copies on interested parties, as we infer from his letter, the time for informing the Board was prior to the time Appellant's response was due,

not after the appeal was dismissed. Thus, Appellant does not show extraordinary circumstances warranting reconsideration of our decision to dismiss his appeal.

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 51 IBIA 54.

I concur:

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// original signed  
Debra G. Luther  
Administrative Judge

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge