



INTERIOR BOARD OF INDIAN APPEALS

Estate of Robert Robinette

56 IBIA 149 (01/29/2013)

Petition for reconsideration denied:

56 IBIA 202



The ALJ's Modification Order included accurate appeal instructions and included a certification that it was mailed to the listed interested parties (including Appellant) on December 17, 2012. Calculated from that mailing date, the deadline for filing an appeal with the Board expired on January 16, 2013. Appellant did not mail his appeal to the Board, but instead sent the appeal to the ALJ, who transmitted the appeal to the Board, which received it on January 18, 2013. The appeal was filed with the Board after the 30-day deadline expired and thus must be dismissed for lack of jurisdiction.

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 docketed this appeal but dismisses it as untimely.

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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//original signed  
Debora G. Luther  
Administrative Judge