



INTERIOR BOARD OF INDIAN APPEALS

Estate of Calvin S. Melbourne, Sr.

57 IBIA 136 (06/13/2013)

Petition for Reconsideration Denied:

57 IBIA 221

The Rehearing Order included accurate appeal instructions and included a certification that it was mailed to the listed interested parties (including Appellant) on April 24, 2013. Calculated from that mailing date, the deadline for filing an appeal with the Board expired on May 24, 2013. Appellant did not mail his appeal to the Board, but instead sent it to the ALJ, who transmitted it to the Board. The Board received the appeal on June 3, 2013. Because the appeal was filed with the Board after the 30-day deadline expired, it must be dismissed as untimely and 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 but dismisses this appeal.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge