



INTERIOR BOARD OF INDIAN APPEALS

Estate of Rudolph Lawrence Victor St. John

57 IBIA 182 (07/01/2013)

Dismissing petition for reconsideration:

56 IBIA 118



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF RUDOLPH LAWRENCE)	Order Dismissing Petition for
VICTOR ST. JOHN)	Reconsideration
)	
)	Docket No. IBIA 13-038-1
)	
)	July 1, 2013

On January 22, 2013, the Board of Indian Appeals (Board) dismissed Kara St. John’s (St. John) appeal from an Order Denying Reopening (Reopening Order), entered on November 8, 2012, by Administrative Law Judge (ALJ) Larry M. Donovan in the estate of Rudolph Lawrence Victor St. John (Decedent). *See* 56 IBIA 118 (2013).¹ We dismissed the appeal because it was not filed within 30 days from the date on which the Reopening Order was mailed to St. John. On June 17, 2013, the Board received a petition from St. John seeking reconsideration of the Board’s dismissal of her appeal. The Board dismisses the petition as untimely because it was filed more than 30 days after we issued our January 22 decision.

Petitions for reconsideration of a Board decision “must be filed with the Board within 30 days from the date of the [Board’s] decision.” 43 C.F.R. § 4.315(a). Thus, the time for filing a petition for reconsideration expired on February 21, 2013. St. John filed her petition with the Board on June 14, 2013, as shown by the date of the postmark. *See id.* § 4.310(a) (date of mailing is date of filing).

¹ Decedent, who was also known as Lawrence St. John, was a Standing Rock Sioux. The probate number assigned to Decedent’s case in the Department of the Interior’s probate tracking system, ProTrac, is No. P000061701IP.

Appellant contends that she is Decedent’s daughter and that she was improperly omitted as an heir from the probate decision for Decedent’s estate, which issued in 2002. Appellant argues that in the original proceedings, Decedent’s second spouse failed to inform the probate judge that Decedent had first been married to Appellant’s mother and that the two had a child, Appellant. ALJ Donovan did not address the underlying merits of Appellant’s claim, finding that she had failed to satisfy the applicable standard for reopening a case that had been closed for more than 3 (and in this case 10) years. *See* 56 IBIA at 118 n.2.

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 dismisses St. John's petition for reconsideration as untimely.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Debora G. Luther
Administrative Judge