



INTERIOR BOARD OF INDIAN APPEALS

Devin M. Menard v. Acting Northwest Regional Director, Bureau of Indian Affairs

58 IBIA 169 (01/07/2014)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

DEVIN M. MENARD,)	Order Docketing and Dismissing
Appellant,)	Appeal
)	
v.)	
)	Docket No. IBIA 14-026
ACTING NORTHWEST REGIONAL)	
DIRECTOR, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	January 7, 2014

Devin M. Menard (Appellant) appealed to the Board of Indian Appeals (Board) from an August 6, 2013, decision of the Acting Northwest Regional Director, Bureau of Indian Affairs, finding that Wapato Irrigation Project Operation and Maintenance Bill No. 2013000001225 was correctly issued to Appellant.

On receipt of the appeal, the Board ordered Appellant to complete service of her appeal on the interested parties as required by 43 C.F.R. §§ 4.310(b) and 4.332(a), and to notify the Board that she had done so. In addition, because it appeared that Appellant’s appeal was untimely, the Board ordered Appellant to show cause (i.e., explain) why her appeal should not be dismissed.¹ The Board set a deadline of November 27, 2013, for Appellant to comply with the Board’s order, and advised Appellant that if she failed to comply with or respond to the Board’s order, her appeal might be dismissed without further notice.

The U.S. Postal Service’s Track-and-Confirm service on its website indicates that Appellant received the Board’s order on November 1, 2013.

The Board has received no response from Appellant.

¹ Appellant filed her appeal with the Board on September 30, 2013. A timely appeal must be filed “within 30 days after receipt by the appellant of the decision from which the appeal is taken.” See 43 C.F.R. § 4.332(a).

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 for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge