



INTERIOR BOARD OF INDIAN APPEALS

Bruce Spotted Bear v. Rocky Mountain Regional Director, Bureau of Indian Affairs

58 IBIA 232 (04/02/2014)



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

BRUCE SPOTTED BEAR,)	Order Docketing and Dismissing
Appellant,)	Appeal
)	
v.)	
)	Docket No. IBIA 14-052
ROCKY MOUNTAIN REGIONAL)	
DIRECTOR, BUREAU OF INDIAN)	
AFFAIRS,)	
Appellee.)	April 2, 2014

Bruce Spotted Bear (Appellant) appealed to the Board of Indian Appeals (Board) from a November 27, 2013, decision (Decision) of the Rocky Mountain Regional Director (Regional Director), Bureau of Indian Affairs (BIA), affirming a decision by BIA's Crow Agency Superintendent to approve a lease of Crow Allotment 1819-C to Becker Farming/Becker Land and Livestock, and rejecting Appellant's request to cancel the lease.

Because it appeared that Appellant's appeal was untimely, the Board ordered Appellant to show cause (i.e., explain) why his appeal should not be dismissed.¹ The Board advised Appellant that he had the burden to demonstrate that the appeal was timely, and set a deadline of February 27, 2014, for Appellant to respond to the Board's order. The Board advised Appellant that if he failed to comply with or respond to the Board's order by the deadline, his appeal might be dismissed without further notice.²

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on January 31, 2014.

¹ An appeal to the Board must be filed "within 30 days after receipt by the appellant of the decision from which the appeal is taken," 43 C.F.R. § 4.332(a), and the evidence indicated that the appeal was filed after the deadline expired. The 30-day deadline is jurisdictional. *Id.*

² The Board also ordered Appellant to complete service of his appeal on the Assistant Secretary – Indian Affairs as required by 43 C.F.R. §§ 4.310(b) and 4.332(a), and to notify the Board that he had done so.

The Board has received no response from Appellant.

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 as untimely and for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge