



INTERIOR BOARD OF INDIAN APPEALS

Mary Nowlin v. Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs

59 IBIA 131 (09/11/2014)

Dismissing Petition for Reconsideration of:
58 IBIA 230



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ARLINGTON, VA 22203

MARY NOWLIN,)	Order Dismissing Petition for
Appellant,)	Reconsideration
)	
v.)	
)	Docket No. IBIA 14-068-1
ACTING EASTERN OKLAHOMA)	
REGIONAL DIRECTOR, BUREAU)	
OF INDIAN AFFAIRS,)	
Appellee.)	September 11, 2014

On April 2, 2014, the Board of Indian Appeals (Board) dismissed this appeal by Mary Nowlin (Appellant) for lack of jurisdiction. 58 IBIA 230.¹ On September 9, 2014, the Board received a petition for reconsideration from Appellant. The Board dismisses the petition as untimely because it was filed more than 30 days after we issued our April 2 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, in this case, the time for filing a petition for reconsideration expired on May 2, 2014. Appellant filed her petition with the Board on September 5, as shown by the date of the postmark. *See id.* § 4.310(a) (date of filing).

Even if Appellant’s petition were not untimely, we would deny reconsideration. Appellant’s petition takes issue in substance with the Regional Director’s decision that she sought to appeal to the Board, but does not address our determination that we lacked jurisdiction, i.e., authority, to review the Regional Director’s decision.

¹ Appellant sought to appeal to the Board from an October 31, 2013, decision of the Acting Eastern Oklahoma Regional Director (Regional Director), Bureau of Indian Affairs (BIA), affirming a decision by the BIA Chickasaw Agency Acting Superintendent not to issue a Certificate of Degree of Indian Blood to Appellant. We dismissed the appeal because the Board does not have jurisdiction to review adverse enrollment actions by BIA officials, which include actions regarding Indian blood degree certifications.

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 Appellant's petition for reconsideration as untimely.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge