



INTERIOR BOARD OF INDIAN APPEALS

Estate of Colleen Ruby Hall

59 IBIA 167 (10/10/2014)



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

ESTATE OF COLLEEN RUBY HALL)	Order Docketing and Dismissing
)	Appeal
)	
)	Docket No. IBIA 15-001
)	
)	October 10, 2014

On October 2, 2014, the Board of Indian Appeals (Board) received a notice of appeal from Leatha Kipp (Appellant),¹ from an Order Denying Rehearing entered on August 27, 2014, by Administrative Law Judge (ALJ) R. S. Chester, and mailed on the same date, in the estate of Appellant’s mother Colleen Ruby Hall, (Decedent).² Appellant filed her appeal with the Board on September 29, 2014, as shown by the postmark on the envelope. We docket but dismiss this appeal for lack of jurisdiction because it was filed after the 30-day deadline for filing an appeal expired.

An appeal from a probate judge’s decision must be filed with the Board within 30 days from the date the decision was mailed with accurate appeal instructions. 43 C.F.R. § 4.321(a). As relevant here, the effective date of filing a notice of appeal with the Board is the date of mailing. *Id.* § 4.310(a). The Board does not have authority to grant an extension of time for filing a notice of appeal, *id.* § 4.310(d)(1), and untimely appeals must be dismissed, *id.* § 4.321(a).

¹ Appellant is also known as Leatha Ann Hall.

² Decedent, who was also known as Colleen Ruby Whitegrass, was a Blackfeet Indian. The probate number assigned to Decedent’s case in the Department of the Interior’s probate tracking system, ProTrac, is No. P000097500IP.

The ALJ’s original March 8, 2013, Decision approved a will executed by Decedent on August 10, 2010, which left Decedent’s interests in numerous allotments to her husband (life estate) and her children (remainders), and her trust personalty and the rest and residue of her estate to her daughter Rosita L. Crawford. The Order Denying Rehearing denied a petition from five of Decedent’s other children, including Appellant, and Decedent’s husband, to set aside the will.

The Order Denying Rehearing included accurate appeal instructions and included a certification that it was mailed to the interested parties (including Appellant) on August 27, 2014. Calculated from the mailing date, the deadline for filing an appeal with the Board expired on Friday, September 26, 2014. Appellant's notice of appeal was mailed to, i.e., filed with, the Board on September 29, 2014, as shown on the postmark on the envelope. Because the appeal was filed with the Board after the 30-day deadline expired, it must be dismissed as untimely.

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
Sara E. Costello
Acting Administrative Judge