



INTERIOR BOARD OF INDIAN APPEALS

Estate of Sammie DuBoise, Sr.

59 IBIA 233 (11/12/2014)

176, 181-82 (2013). The Board does not have authority to grant an extension for filing a notice of appeal, 43 C.F.R. § 4.310(d)(1), and untimely appeals must be dismissed, *id.* § 4.321(a). “[A]n appellant who fails to follow accurate appeal instructions bears the risk that the appeal will be untimely.” *Estate of Franklin Porter*, 52 IBIA 243, 244 (2010).

The ALJ’s Order included accurate appeal instructions and included a certification that it was mailed to the listed interested parties (including Appellant) on August 5, 2014. Calculated from that mailing date, the deadline for filing an appeal with the Board expired on September 4, 2014. Appellant did not mail her appeal to the Board, but instead sent it to the ALJ, who transmitted it to the Board. The Board received the appeal on September 9, 2014.³ Because the appeal was filed with the Board after the 30-day deadline expired, it must be dismissed as untimely and for lack of jurisdiction.

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
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge

³ The Board also received a copy of the notice of appeal by fax. But the Board’s regulations do not authorize filing a notice of appeal by fax or by electronic means, and thus the date of filing was the date the Board first received a hard copy of Appellant’s appeal. 43 C.F.R. § 4.323(a); *Estate of Lincoln A. White Shirt, Jr.*, 58 IBIA 131, 132 n.4 (2013).