



INTERIOR BOARD OF INDIAN APPEALS

Estate of Janet Marie Grady-Slind

60 IBIA 26 (02/23/2015)



United States Department of the Interior

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

ESTATE OF JANET MARIE GRADY-)	Order Docketing and Dismissing
SLIND)	Appeal
)	
)	Docket No. IBIA 15-059
)	
)	February 23, 2015

On February 9, 2015, the Board of Indian Appeals (Board) received a letter sent by Marianna Howard (Appellant) to the Probate Hearings Division (PHD) in Billings, Montana, which PHD transmitted to the Board as a possible appeal. It appears that the letter seeks review of an Order Denying Reopening issued on July 31, 2014, by Indian Probate Judge (IPJ) Albert C. Jones in the estate of Appellant’s mother, Janet Marie Grady-Slind (Decedent).¹ We docket but dismiss this appeal because the IPJ provided accurate instructions for filing an appeal with the Board, and the appeal was not filed with the Board within the 30-day period allowed for filing an appeal following the Order Denying Reopening.

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). The effective date of filing a notice of appeal with the Board is the date of mailing (if sent by U.S. mail) or the date of personal delivery (if not mailed). 43 C.F.R. § 4.310(a). Untimely appeals must be dismissed. *Id.* § 4.321(a).

The IPJ’s Order Denying Reopening included accurate appeal instructions and included a certification that it was mailed to the listed interested parties (including

¹ Decedent was a Three Affiliated Tribes Indian. The probate number assigned to Decedent’s case in the Department of the Interior’s probate tracking system, ProTrac, is No. P000106777IP.

The IPJ denied a petition by Appellant and two of her siblings to reopen Decedent’s estate to challenge the distribution of the less-than-5% trust real property interests, which the IPJ determined passed to Decedent’s eldest surviving child, pursuant to the “single heir rule” in the American Indian Probate Reform Act (AIPRA). *See* Decision, Jan. 14, 2013, at 3; 25 U.S.C. § 2206(a)(2)(D)(iii)(I).

Appellant) on July 31, 2014. The appeal was filed with the Board well after the 30-day deadline expired and thus must be dismissed for lack of jurisdiction.²

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 this appeal but dismisses it as untimely.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Thomas A. Blaser
Administrative Judge

² As noted, Appellant sent her letter to PHD, which transmitted it to the Board as a possible appeal. It is possible that Appellant intended her letter as a second attempt to seek reopening, on the same grounds as her first petition—to revisit application of the single heir rule to Decedent’s less-than-5% interests. We decline to refer the matter back to PHD because it does not appear to raise issues that were not already addressed in the denial of reopening.