



INTERIOR BOARD OF INDIAN APPEALS

Estate of Vernon Verdell Veo

61 IBIA 247 (09/03/2015)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF VERNON VERDELL)	Order Docketing and Dismissing
VEO)	Appeal
)	
)	Docket No. IBIA 15-105
)	
)	September 3, 2015

On August 31, 2015, the Board of Indian Appeals (Board) received a letter from Jeffrey V. Veo, Jr. (Appellant), *pro se*, requesting that the estate of his grandfather, Vernon Verdell Veo (Decedent), be reopened.¹ Appellant seeks reopening based on an affidavit from Laurie M. Bauer, Esq., regarding the preparation of Decedent’s will and Bauer’s understanding of Decedent’s intent. Among the enclosures with Appellant’s request, in addition to Bauer’s affidavit, is an August 30, 2013, Order Denying Petition for Reopening (Order Denying Reopening) issued by Administrative Law Judge (ALJ) Larry M. Donovan, which denied a previous request from Appellant to reopen Decedent’s probate case. Appellant contended to the ALJ, and now contends to the Board, that Decedent’s will was not properly implemented and that Decedent intended to devise to him Cheyenne River Allotment Nos. 3233 and 6020.²

The Board docketed but dismisses Appellant’s request to the Board because the Board does not have original jurisdiction to consider a petition to reopen a probate case, and even if we were to construe the letter as an appeal from the Order Denying Reopening, we would lack jurisdiction because it is untimely as an appeal.

The Board’s jurisdiction is limited by regulation, *see* 43 C.F.R. § 4.320, and does not include original jurisdiction to reopen an estate. *Estate of Phillip Whiteclay, Jr.*, 57 IBIA 53 (2013); *Estate of Douglas Glenmore*, 57 IBIA 52 (2013). A petition to reopen a decedent’s probate case must first be submitted to a probate judge, and must comply with the

¹ Decedent was a Cheyenne River Sioux Indian. His probate was assigned Probate No. P000100213 in the Department of the Interior’s probate tracking system, ProTrac.

² According to the Order Denying Reopening, at 1, the will devised “Allotment #CR1849 and Allotment#CR5180” to Appellant and devised the rest and residue of Decedent’s estate in equal shares to Decedent’s six children.

requirements of 43 C.F.R. § 30.243. Therefore, we lack jurisdiction to consider Appellant's request that the Board reopen Decedent's probate case.

Even if the Board were to construe Appellant's letter as an appeal from the Order Denying Reopening, we would still be required to dismiss the appeal. 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. Untimely appeals must be dismissed. *Id.* § 4.321(a). The ALJ's Order Denying Reopening included accurate appeal instructions and included a certification that it was mailed to the listed interested parties, including Appellant, on August 30, 2013. Appellant's submission to the Board was filed well after the 30-day deadline for filing an appeal expired, and thus as an appeal it would be 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 Appellant's request for lack of jurisdiction.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Robert E. Hall
Administrative Judge