



## INTERIOR BOARD OF INDIAN APPEALS

Estate of Nelson J. Wallace, Sr.

62 IBIA 29 (12/07/2015)

Denying petition for reconsideration of:

61 IBIA 348

Second petition for reconsideration dismissed:

62 IBIA 54

Related Board case:

64 IBIA 43



# 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 NELSON J. WALLACE,     )  
SR.   )  
   )  
   )  
   )  
   )     Order Denying Reconsideration  
   )     Docket No. IBIA 15-100-1  
   )     December 7, 2015

On October 30, 2015, the Board of Indian Appeals (Board) dismissed an appeal by Gregory Lynn Wallace (Appellant)<sup>1</sup> from a June 25, 2015, Order Reopening Estate to Modify Inventory and Deny Paternity Challenge (Modification Order) in the estate of Nelson J. Wallace, Sr. (Decedent).<sup>2</sup> 61 IBIA 348. On November 23, 2015, the Board received a petition for reconsideration from Appellant.<sup>3</sup>

Reconsideration of a Board decision will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315(a); *Estate of Elbert W. Exendine, Sr.*, 54 IBIA 88, 88 (2011); *Estate of William A. Hamilton, Sr.*, 52 IBIA 221, 222 (2010). A petition based on arguments already considered by the Board does not demonstrate extraordinary circumstances warranting reconsideration. *Estate of Jerome Hummingbird*, 55 IBIA 246, 247 (2012); *Estate of Geraldine Begay*, 55 IBIA 249, 249 (2012).

We dismissed Appellant’s appeal because the issue that he raised—that he should be included as an heir to Decedent’s estate—was outside the scope of an appeal to the Board from the Modification Order, which added property to the estate inventory and distributed it to the individuals who were determined to be Decedent’s heirs in the original probate Decision entered by the IPJ on October 27, 2014.<sup>4</sup> In his petition for reconsideration,

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<sup>1</sup> Appellant uses his birth name and is also known by his adoptive name, Gregory Brady.

<sup>2</sup> The Modification Order was issued by Indian Probate Judge (IPJ) Albert C. Jones. The probate number assigned to Decedent’s case in the Department of the Interior’s probate tracking system, ProTrac, is No. P000111697IP.

<sup>3</sup> The envelope containing the petition was addressed to “Hon. Albert C. Jones, Indian Board of Appeals,” and the IPJ’s office transmitted the correspondence to the Board as a possible petition for reconsideration.

<sup>4</sup> The Modification Order also addressed a challenge to the paternity of Decedent’s daughter, Lee Ann Pretty On Top.

Appellant raises the same issue. Appellant provides no allegation that the Board erred, nor any argument for why reconsideration should be granted. Appellant's petition does not meet the requirements for granting reconsideration.

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 denies reconsideration of 61 IBIA 348.

I concur:

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// original signed  
Thomas A. Blaser  
Administrative Judge

\_\_\_\_\_  
//original signed  
Steven K. Linscheid  
Chief Administrative Judge