



INTERIOR BOARD OF INDIAN APPEALS

Estate of Nelson J. Wallace, Sr.

62 IBIA 54 (12/18/2015)

Dismissing petition for reconsideration of:

61 IBIA 348

Reconsideration denied, 62 IBIA 29

Related Board case:

64 IBIA 43



United States Department of the Interior

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ESTATE OF NELSON J. WALLACE,)	Order Dismissing Petition for
SR.)	Reconsideration
)	
)	Docket No. IBIA 15-100-2
)	
)	December 18, 2015

On October 30, 2015, the Board of Indian Appeals (Board) dismissed an appeal by Gregory Lynn Wallace (Appellant)¹ 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).² 61 IBIA 348. On December 11, 2015, the Board received a petition for reconsideration from Appellant.

Petitions for reconsideration of a Board decision “must be filed with the Board within 30 days from the date of the [Board’s] decision.” 43 C.F.R. § 4.315(a); *see Estate of Margerate Arline Glenn*, 54 IBIA 270, 270 (2012). As noted, the Board’s decision was issued on October 30, 2015. Thus, the time for filing a petition for reconsideration expired on November 30, 2015.³ Appellant filed his petition with the Board on December 7, 2015, as shown by the date of the postmark. *See* 43 C.F.R. § 4.310(a) (date of mailing is date of filing). Because Appellant’s petition for reconsideration was not timely filed, the Board must dismiss it for lack of jurisdiction.⁴ *See Estate of Patricia Louise Umtuch*, 50 IBIA 251, 252 (2009).

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

² 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.

³ Because the 30th day after the date of our decision was Sunday, November 29, 2015, the filing date is automatically extended to Monday, November 30, 2015. *See* 43 C.F.R. § 4.310(c)(2).

⁴ Previously, on November 23, 2015, the Board received a petition for reconsideration from Appellant, which had been forwarded to the Board by the IPJ’s office. On December 7, 2015, the Board denied that petition for not meeting the requirements for granting

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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 dismisses Appellant’s petition for reconsideration.

I concur:

// original signed
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge

(...continued)

reconsideration. 62 IBIA 29. Even if Appellant had timely filed his latest petition, it would be subject to dismissal because “[a] party may file only one petition for reconsideration.” 43 C.F.R. § 4.315(b); *see Estate of Doris June Derickson*, 44 IBIA 252, 252 (2007).