



INTERIOR BOARD OF INDIAN APPEALS

Laura J. White v. Acting Great Plains Regional Director, Bureau of Indian Affairs

63 IBIA 193 (06/29/2016)

Denying Petition for Reconsideration of:  
63 IBIA 165



# 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

LAURA J. WHITE,	)	Order Denying Petition for
Appellant,	)	Reconsideration
	)	
v.	)	
	)	Docket No. IBIA 16-073-1
ACTING GREAT PLAINS REGIONAL	)	
DIRECTOR,	)	
Appellee.	)	June 29, 2016

The Board’s regulations provide that “[r]econsideration of a decision of the Board will be granted only in extraordinary circumstances.” 43 C.F.R. § 4.315(a). A petition for reconsideration “must contain a detailed statement of the reasons why reconsideration should be granted.” *Id.* On June 24, 2016, the Board of Indian Appeals (Board) received a letter from Laura J. White (Appellant), seeking reconsideration of the Board’s decision dismissing her appeal as untimely in *White v. Acting Great Plains Regional Director*, 63 IBIA 165 (2016). In our June 6, 2016, decision, we dismissed Appellant’s appeal because it was filed after the expiration of the 30-day deadline for filing an appeal. 63 IBIA at 165 (citing 43 C.F.R. § 4.332(a)).

Appellant’s petition for reconsideration includes her detailed statement of why she believes her appeal should have been considered timely. But the evidence upon which she relies, and the issues she raises in seeking reconsideration, were fully considered by the Board in making its initial decision. Simple disagreement with the Board’s analysis and application of pertinent regulations does not constitute the type of extraordinary circumstances envisioned in the Board’s regulations.<sup>1</sup> As noted in our decision, timeliness of an appeal is a jurisdictional issue, and thus the Board has no authority to accept an

---

<sup>1</sup> Appellant directed her petition for reconsideration to the Board’s Chief Administrative Judge, and also requested that a “new Administrative Judge” be appointed, arguing that Judge Hall has a conflict of interest. Appellant did not set forth in detail any circumstances on which she relies, nor did she file an affidavit of personal bias or disqualification and provide substantiating facts to support her allegation. *See* 43 C.F.R. § 4.27(c)(2). Judge Hall has determined that he has no conflict of interest, and by concurring in this denial of reconsideration, the Chief Judge concurs with that determination. *Id.* § 4.27(c)(3).

untimely appeal.<sup>2</sup> 43 C.F.R. § 4.332(a) (“A notice of appeal not timely filed shall be dismissed 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, this petition for reconsideration is denied.

I concur:

\_\_\_\_\_  
// original signed  
Robert E. Hall  
Administrative Judge

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

---

<sup>2</sup> We note that even if Appellant’s appeal had been timely, her underlying concerns appear to relate to matters outside the scope of the fee-to-trust acquisition that the Regional Director concluded Appellant lacked standing to challenge. *See* 63 IBIA at 165. The Board’s dismissal of Appellant’s appeal was not a determination on the merits of her underlying claims or concerns.