



INTERIOR BOARD OF INDIAN APPEALS

Maria McQueen v. Acting Northwest Regional Director, Bureau of Indian Affairs

63 IBIA 320 (09/12/2016)

Denying Reconsideration of:  
63 IBIA 222



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
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ARLINGTON, VA 22203

MARIA McQUEEN,	)	Order Denying Reconsideration
Appellant,	)	
	)	
v.	)	
	)	Docket No. IBIA 15-050-1
ACTING NORTHWEST REGIONAL	)	
DIRECTOR, BUREAU OF INDIAN	)	
AFFAIRS,	)	
Appellee.	)	September 12, 2016

On July 18, 2016, the Board of Indian Appeals (Board) affirmed a decision by the Acting Northwest Regional Director (Regional Director), Bureau of Indian Affairs (BIA), to increase the annual rent for the property that Appellant leases on the Hermosa Point Summer Home Sites. 63 IBIA 222. On August 18, 2016, the Board received a petition for reconsideration from Appellant.

Reconsideration of a Board decision will be granted only in extraordinary circumstances. 43 C.F.R. § 4.315(a); *Benally v. Acting Navajo Regional Director*, 57 IBIA 214, 214 (2013); *Jacobs v. Great Plains Regional Director*, 43 IBIA 272, 272 (2006).

Appellant asserts that the Board failed to consider her argument that the underlying appraisal “violates the Uniform Standards of Professional Appraisal Practice (“USPAP”) and Rule 4.1 of the Bureau of Indian Affairs Manual on Real Estate Appraisal (“BIAM”) because the appraiser failed to show his work.” Petition for Reconsideration, Aug. 15, 2016, at 2. The Board considered Appellant’s argument, which concerned the chosen 4.85% rate of return. 63 IBIA at 230-231 (“IV. Appellant Does Not Show That the Rate of Return Is Unreasonable or Lacks Explanation”). A petition for reconsideration based on arguments already considered by the Board does not demonstrate extraordinary circumstances warranting reconsideration under 43 C.F.R. § 4.315. *Benally*, 57 IBIA at 215; *Jacobs*, 43 IBIA at 272-73; *Keester v. Acting Aberdeen Area Director*, 21 IBIA 133, 133 (1991); *Star Lake Railroad Co. v. Navajo Area Director*, 15 IBIA 271, 271-72 (1987).

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 63 IBIA 222.

I concur:

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// original signed  
Thomas A. Blaser  
Administrative Judge

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