

NOTE: This disposition is nonprecedential.



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IBLA 2015-197-1)	IMC188131-IMC188132
)	
JUDY M. KAMP CARRIER)	Mining Claim Maintenance Fees
(ON RECONSIDERATION))	
)	Petition for Reconsideration
)	Dismissed

ORDER

Marilyn Ryan, mother of Judy M. Kamp Carrier (Appellant), has filed a motion for reconsideration of the Board's January 21, 2016, Order in *Judy M. Kamp Carrier*, IBLA 2015-197. In that order we affirmed a May 19, 2015, decision of the Idaho State Office, Bureau of Land Management (BLM), in which BLM declared the Shamrock #1 and Shamrock #2 unpatented mining claims (IMC188131 and IMC188132) forfeited because Appellant did not file a maintenance fee payment or a maintenance fee waiver certification (Waiver Certification) on or before September 2, 2014, for the 2015 assessment year. Because Appellant did not file her motion for reconsideration in a timely fashion, we dismiss it pursuant to 43 C.F.R. § 4.403(b)(1).

The regulations governing appeals to this Board provide that we may reconsider a decision in extraordinary circumstances.¹ "Extraordinary circumstances" include, but are not limited to: (1) error in the Board's interpretation of material facts; (2) recent judicial developments; (3) change in Departmental policy; or (4) evidence that was not before the Board at the time the Board's decision was issued that demonstrates error in the decision.²

¹ 43 C.F.R. § 4.403(b); see, e.g., *Art Anderson (On Reconsideration)*, 182 IBLA 27, 30 (2012).

² 43 C.F.R. § 4.403(d).

To seek reconsideration, however, a party must file a motion for reconsideration with the Board within 60 days after the date of the decision.³ In the present appeal, Appellant filed her motion on May 28, 2016, more than 4 months after we issued our January 21, 2016, order. Appellant's untimely motion is properly dismissed.⁴

Even if we were to consider Appellant's motion, we would conclude that she does not allege any extraordinary circumstances justifying reconsideration. Appellant states that the Waiver Certification was mailed "in good faith [so] that it would reach Boise BLM in time to be there before the deadline" and that fault lies with the U.S. Postal Service.⁵ We considered this argument in our earlier order.⁶ The Board will not grant a motion for reconsideration that "[m]erely repeats arguments made in the original appeal, except in cases of demonstrable error[.]"⁷ There is no justification for reconsideration in this case.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior,⁸ we dismiss the motion for reconsideration.

/s/
James F. Roberts
Deputy Chief Administrative Judge

I concur.

/s/
Eileen G. Jones
Chief Administrative Judge

³ 43 C.F.R. § 4.403(b)(1).

⁴ *Fletcher De Fisher*, 101 IBLA 212, 213-14 (1988), *aff'd sub nom. Northwest Silver Corp. v. Hodel*, Civ. No. 88-4090 (D. Id. Sept. 26, 1989).

⁵ Petition for Reconsideration (Petition) at unpaginated 1.

⁶ Order, *Judy M. Kamp Carrier*, IBLA 2015-197 (Jan. 21, 2016) at 2.

⁷ 43 C.F.R. § 4.403(f)(1).

⁸ 43 C.F.R. § 4.1.