



INTERIOR BOARD OF INDIAN APPEALS

Richard M. Warr v. Portland Area Director, Bureau of Indian Affairs

30 IBIA 217 (02/26/1997)

Denying reconsideration of:
30 IBIA 174



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

RICHARD M. WARR,
Appellant

v.

PORTLAND AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Denying Reconsideration
:
:
:
: Docket No. IBIA 96-24-A
:
:
: February 26, 1997

The Board issued a decision in this appeal on January 13, 1997. 30 IBIA 174. On February 24, 1997, the Board received from appellant a filing entitled "Notice of Appeal." The filing is addressed to the Secretary of the Interior and suggests that appellant is attempting to appeal the Board's January 13, 1997, decision to the Secretary.

Under 43 CFR 4.1(b)(2), the Secretary has delegated to the Board the authority to "decide[] finally for the Department appeals to the head of the Department pertaining to: (i) Administrative actions of officials of the Bureau of Indian Affairs, issued under 25 CFR chapter I, except as limited in 25 CFR chapter I or § 4.330 of this part." Appellant's present "appeal," like his original appeal to the Board, falls within the scope of the Secretary's delegation to the Board.

Therefore, the Board interprets appellant's filing as a petition for reconsideration under 43 CFR 4.315.

43 CFR 4.315 provides that petitions for reconsideration [must be filed with the Board within 30 days from the date of the decision." Appellant's petition for reconsideration was postmarked February 21, 1997, more than 30 days after the date of the Board's decision.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, appellant's petition for reconsideration is denied as untimely.

//original signed
Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge