

IBLA's COVID-19 Questions & Answers

[UPDATED April 16, 2020]

Q: Does the Board's March 24, 2020, COVID-19 Order extend the appeal period?

A: No. The Board's Order applied to "all appeals pending before the Interior Board of Land Appeals." New appeals must be filed with the appropriate bureau in accordance with 43 C.F.R. § 4.411, and, as specified in the regulation, the deadline for filing notices of appeal may not be extended. Please contact the proper bureau with any questions concerning filing notices of appeal. The Board will continue to docket appeals as we receive notice of them.

Q: I have an appeal pending before the Board and still need to file documents before the appeal is ready to be decided. When are my documents due?

A: If you had a regulatory or a Board-ordered deadline to file a document as of March 24, 2020, then the deadline to file that document was extended 60 days from the date of the previous filing deadline. This is because on March 24, 2020, the Board issued an Order in all pending appeals that extended all filing deadlines established by regulation or Board Order by 60 days. Also, if you received a docketing notice in an appeal filed after March 24, 2020, that similarly extended filing deadlines by 60 days, then the deadlines to file pleadings in your appeal have been extended 60 days from the date of the previous filing deadline, except for the deadline for the bureau to respond to a stay petition. Beginning on April 15, 2020, docketing notices for newly filed appeals no longer automatically extend filing deadlines. Therefore, if you did not receive the March 24, 2020, Order or a docketing notice extending your deadlines, then the deadlines remain as set forth in the Board's regulations.

Q: I recently filed a motion for an extension of time to file a document in my appeal but either received the Board's March 24, 2020, Order or a docketing notice extending deadlines in my appeal before I received a ruling on my motion. Does the Order or docketing notice address my motion for an extension of time?

A: Yes. The Order and docketing notices in newly filed appeals extend all filing deadlines, except the deadline for a bureau to respond to a stay petition, by 60 days.

Q: I recently filed an appeal with the Board and received a docketing notice that did not extend any of my regulatory filing deadlines. Are my regulatory filing deadlines extended by the March 24, 2020, Order posted online?

A: No. The March 24, 2020, Order extending regulatory filing deadlines by 60 days only applies to appeals then pending before the Board. If you need an extension of time to file a document, then you may request one by following the procedures in 43 C.F.R. § 4.405.

Q: Is the Board accepting filings by email?

A: Yes. Please email your documents to the Board at ibla@oha.doi.gov. A 20 MB data limit applies to each email sent to the Board. If you need to send more than one email to file a document with the Board, then please identify how many emails you are sending and identify each one (e.g., “email 1 of 3”) in your email message to the Board.

Q: Will the Board provide any confirmation of receipt/delivery of my emailed/filed document?

A: Yes. The Board will send parties an email acknowledging receipt of any emailed filing.

Q: How should parties establish and execute electronic service between themselves pursuant to 43 C.F.R. § 4.401(c)(4)?

A: The Board has no preference in this regard. The Board’s regulation governing service requires parties to include a certificate of service with each document they file with the Board, indicating, among other things, the manner of service. If the parties consented to electronic service, then the certificate of service should identify the manner of service as email.

Q: Will IBLA accept emailed documents with a digital signature?

A: Yes. IBLA will accept digital signatures.

Q: How often does IBLA post its decisions and orders online so that the public may view them?

A: IBLA posts decisions on its website as it issues them: <https://www.doi.gov/oha/organization/ibla/Finding-IBLA-Decisions>. IBLA posts dispositive orders on its website once a month: <https://www.doi.gov/oha/organization/ibla/IBLA-Dispositive-Orders>.

Q: I have a question not covered by these Q&As. Whom do I contact?

A: Please email your question to ibla@oha.doi.gov.