NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE
NATIONAL APPEALS OFFICE

In re Application of [redacted] Appellant	))))))))	Appeal No. 10-0092 ORDER DENYING MOTION for RECONSIDERATION

On July 29, 2011, the National Appeals Office (NAO), a division within the National Marine Fisheries Service (NMFS), issued a Decision in this appeal. On August 10, 2011, NAO received Appellant's Motion for Reconsideration.[1] NAO policy provides that an appellant may submit a motion for reconsideration within ten calendar days after the decision is issued.[2]

In this case, Appellant filed his Motion for Reconsideration past the ten-day deadline. In the Decision, this deadline was clearly stated: "Appellant or RAM may submit a Motion for Reconsideration, but it must be received at this Office not later than 4:30 p.m. Alaska Time, on the tenth day after the date of this Decision, August 8, 2011." Because Appellant's Motion was not received until August 10, 2011, I deny Appellant's Motion as untimely filed.

The new effective date of the Decision is September 12, 2011 subject to the Regional Administrator's review.[3]

[redacted]

Eileen G. Jones
Chief Administrative Judge

Date Issued: August 12, 2011

[1] Appellant's Motion for Reconsideration dated Aug. 10, 2011 (received Aug. 10, 2011).
[2] http://www.fakr.noaa.gov/appeals/reconsiderationpolicy.htm.
[3] http://www.fakr.noaa.gov/appeals/reconsiderationpolicy.htm; 50 C.F.R. § 679.43(o).