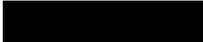


NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE  
NATIONAL APPEALS OFFICE

In re Application of	)	Appeal No. 11-0051
	)	
	)	ORDER DISMISSING
	)	APPEAL
Applicant	)	September 9, 2011
	)	

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The National Appeals Office (NAO) is a division within the National Marine Fisheries Service (NMFS), Office of Management and Budget. NAO operates out of NOAA's headquarters in Silver Spring, MD and maintains an office in NMFS's Alaska Regional office. NAO is the successor to the Office of Administrative Appeals (OAA), Alaska Region, and is charged with processing appeals that are on file with OAA.

On March 4, 2011, OAA received  (Applicant) appeal. The appeal was based on an Initial Administrative Determination (IAD) issued by the Restricted Access Management program (RAM) within NMFS. The IAD was issued on November 10, 2010. The IAD was sent by certified mail and was signed for by Applicant. Applicant stated in his appeal letter the reasons he disagreed with RAM's IAD. However, Applicant did not indicate in his appeal letter the reason why he filed his appeal late.

Pursuant to applicable regulations, appeals to OAA must be filed within sixty days of the date an IAD is issued. See 50 C.F.R. § 679.43(d). In the IAD, RAM informed Applicant that in order to appeal the IAD, he must file an appeal with OAA by January 10, 2011. Since the appeal was received on March 4, 2011, more than sixty days after the IAD was issued, Applicant has not complied with the procedural requirements for perfecting an appeal with OAA. Accordingly, since the IAD was sent to Applicant's last known address and was signed for by Applicant, OAA does not accept Applicant's appeal for review on the merits, and I dismiss the appeal with prejudice. See 50 C.F.R. § 679.43(d).

  
Eileen G. Jones  
Chief Administrative Judge