

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

In re Application of

[REDACTED]

Applicant

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Appeal No. 11-0070

DISMISSAL

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.

[REDACTED] doing business as [REDACTED] (Applicant) filed an appeal with OAA on March 29, 2011. The appeal was based on an Initial Administrative Determination (IAD) issued by the Restricted Access Management program (RAM) on October 14, 2010. In the IAD, RAM informed Applicant in order to appeal the IAD, he must file an appeal with OAA by December 14, 2010.

On March 29, 2011, Applicant contacted RAM about the status of his claim. Applicant was informed at that time the IAD in question had been sent to him via certified mail in October and had been signed for by his agent on October 20, 2010. Applicant stated he had not received the IAD. That same day, Applicant filed his appeal. In the appeal, Applicant asserts he had not received the IAD and challenges RAM's denial of his application.

On August 23, 2011, I issued an Order to Show Cause for Failure to File a Timely Appeal, so that Appellant could present evidence and argument concerning timely receipt, or lack thereof, of the IAD. Applicant was given until 5:00 p.m. Alaska Time on Friday, September 16, 2011 to provide NAO with further information to support his contention that he was not aware of the appeal deadline because he did not receive the IAD. However, in response to the Order to Show Cause, NAO has not received any additional information from Applicant.

Pursuant to applicable regulations, appeals to OAA must be filed within sixty days of the date an IAD is issued.¹ In the IAD, RAM informed Applicant in order to appeal the IAD, he must do so by December 14, 2010. Since the appeal was received on March 29,

¹ See 50 C.F.R. § 679.43(d).

