

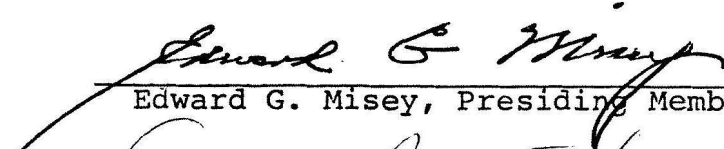
## BOARD OF APPELLATE REVIEW

June 30, 1981


CASE OF: H [REDACTED] H. B [REDACTED]

In a decision rendered on September 29, 1980, the Board of Appellate Review concluded that it lacked jurisdiction to consider an appeal taken by H [REDACTED] H. B [REDACTED] on June 22, 1978, from an administrative holding of loss of United States nationality made by the Department of State on May 4, 1964. 1/ The Board determined that the appeal was not made within a reasonable time after receipt of the Department's administrative holding of loss of nationality, as prescribed in the regulations then in effect. 2/ On March 23, 1981, appellant's counsel moved for reconsideration of the Board's decision.


Upon examination of appellant's motion for reconsideration, we are of the view that the motion fails to disclose any facts or points of law that the Board may have overlooked or misapprehended in reaching its decision or any new matters that would warrant a reconsideration of its decision of September 29, 1980. Accordingly, appellant's motion for reconsideration is denied.



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Edward G. Misey, Presiding Member

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Alan G. James, Member

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Gerald A. Rosen, Member

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1/ The American Embassy at Tel Aviv, Israel executed, on February 24, 1964, a certificate of loss of United States nationality. It declared that Herbert H. Bernstein expatriated himself on August 8, 1954, under the provisions of section 349(a)(3) of the Immigration and Nationality Act, 8 U.S.C. 1481, by entering and serving in the armed forces of Israel. The Department of State approved the certificate of loss of nationality on May 4, 1964.

2/ Section 50.60 of Title 22, Code of Federal Regulations, 22 CFR 50.60, read:

A person who contends that the Department's administrative holding of loss of nationality or expatriation in his case is contrary to law or fact shall be entitled, upon written request made within a reasonable time after receipt of notice of such holding to appeal to the Board of Appellate Review.