

DEPARTMENT OF STATE


BOARD OF APPELLATE REVIEW

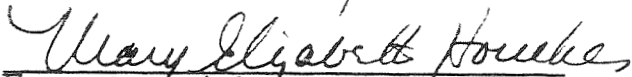
IN THE MATTER OF: P [redacted] B [redacted] A [redacted] - On Motion for Reconsideration

By memorandum of February 10, 1986 the Department of State moved that the Board of Appellate Review, under the provisions of Section 7.9 of Title 22, Code of Federal Regulations 1/ reconsider its opinion of January 6, 1986 in the case of Peter B [redacted] A [redacted], on the grounds that the Board had failed to exercise jurisdiction, had rendered merely an advisory opinion and had failed to address the question of timely filing of the appeal.

Counsel for appellant [redacted] A [redacted], by letter of March 3, 1986, which it characterized as "in opposition" to the Department's Motion for Reconsideration, urged the Board to clarify its opinion and confirm Mr. A [redacted]'s U.S. citizenship.

In light of the confusion which the Department's contentions reveal and appellant's request for clarification of the Board's January 6, 1986 opinion, the Motion for Reconsideration is hereby granted.

  
Alan G. James, Chairman

  
Mary E. Hoinkes, Member

  
James G. Sampas, Member

1/ Section 7.9 of Title 22, Code of Federal Regulations, 22 CFR 7.9, provides as follows:

Sec. 7.9 Motion for Reconsideration.

The Board may entertain a motion for reconsideration of a Board's decision, if filed by either party. The motion shall state with particularity the grounds for the motion, including any facts or points of law which the filing party claims the Board has overlooked or misapprehended, and shall be filed within 30 days from the date of receipt of a copy of the decision of the Board by the party filing the motion. Oral argument on the motion shall not be permitted. However, the party in opposition to the motion will be given opportunity to file a memorandum in opposition to the motion within 30 days of the date the Board forwards a copy of the motion to the party in opposition. If the motion to reconsider is granted, the Board shall review the record, and upon such further reconsideration, shall affirm, modify, or reverse the original decision of the Board in the case.