



# United States Department of the Interior

## OFFICE OF HEARINGS AND APPEALS

Office of the Director

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### **STANDING ORDER ON ELECTRONIC TRANSMISSION<sup>1</sup>**

The General Rules governing the Office of Hearings and Appeals (OHA)<sup>2</sup> recognize that the OHA Director “may issue Standing Orders to convey current information to parties and the public. This includes . . . the OHA Standing Orders on Electronic Transmission to convey information related to electronic transmission, including filing and service.”<sup>3</sup>

This Standing Order provides the option for electronic transmission of documents to satisfy filing and service requirements under the specific circumstances described below. This Standing Order also provides the option for bureaus and offices to submit Administrative Records or Reports electronically in specific circumstances. Electronic transmission of documents by other means and in other circumstances is not currently available.

Please note that this Standing Order only applies to electronic transmission of documents to an OHA unit; it does not apply to filings that are required to be made at another Departmental bureau or office. Please consult the bureau or office directly to inquire whether they permit electronic document submissions.

This Standing Order does not require the use of electronic transmission in lieu of other methods for filing and serving documents. Rather, it authorizes the use of electronic transmission in addition to other methods of filing and serving documents authorized in 43 C.F.R. part 4.

OHA is developing a new electronic filing and docket management system, and this Standing Order will be updated as necessary to reflect any changes in procedures as new technology is deployed.

[Interior Board of Land Appeals \(IBLA\)](#)

[Interior Board of Indian Appeals \(IBIA\)](#)

[Departmental Cases Hearings Division \(DCHD\) \(excepting cases under the White Earth Land Settlement Act\)](#)

[Office of the Director \(DIR\)](#)

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<sup>1</sup> This Standing Order supersedes all prior Standing Orders issued by the OHA Director or individual OHA units.

<sup>2</sup> 43 C.F.R. part 4, subpart A.

<sup>3</sup> 43 C.F.R. § 4.5(b).

## **Interior Board of Land Appeals (IBLA)**

### Filing Using Electronic Transmission

The filing of documents through electronic transmission is currently available by email. Parties practicing before IBLA are encouraged to file all documents by email until further notice. Email filing of documents, which does not include the submission of the Administrative Record, is allowed as follows:

- A document required or permitted to be filed with IBLA must conform to the regulations in 43 C.F.R. Part 4 Subpart E.
- All parties practicing before IBLA may file documents by email to [ibla@oha.doi.gov](mailto:ibla@oha.doi.gov).
- Any email filing should identify in the subject line the appeal by name and docket number if one has been assigned.
- IBLA accepts documents with an electronic signature.
- Documents should not exceed 20 MB per email.
- Documents must be submitted in Portable Document Format (pdf). If a document cannot be transmitted in a pdf format, please contact IBLA ([ibla@oha.doi.gov](mailto:ibla@oha.doi.gov)) to ensure the document is properly filed.
- Documents received after 5:00 pm Eastern time will be deemed filed the following day.
- IBLA will send parties an email acknowledging receipt of any document filed by email.

If a party files a document by email, the party should not mail a paper copy of the document to IBLA.

### Submitting the Bureau or Office Administrative Record Using Electronic Transmission

Paper administrative records are discouraged. Administrative records may be submitted to IBLA by uploading them to IBLA's SharePoint site dedicated to record submissions. While not required, IBLA asks that each document in the administrative record be indexed and separately retrievable. The SharePoint site cannot be accessed by non-Departmental parties. Please consult the bureau or office directly with any questions regarding the administrative record.

### Service Using Electronic Transmission

IBLA's regulation at 43 C.F.R. § 4.401(c) allows for service by email only if the party to be served has previously consented in writing. The parties are encouraged to work together to permit electronic service of all documents filed by email.

### Issuance of IBLA Orders and Decisions by Electronic Transmission

When an appellant includes their email address on a notice of appeal or when parties file documents by email, IBLA will use those email addresses when issuing notices, orders, and decisions unless a party requests issuance by mail.

## **Interior Board of Indian Appeals (IBIA)**

The ability to file documents through electronic transmission is limited until a new electronic filing and docket management system is deployed. Electronic transmission of documents by email or fax may be authorized for certain documents. Electronic transmission is available only subject to the following conditions:

- A party must first contact IBIA at [ibia@oha.doi.gov](mailto:ibia@oha.doi.gov) and obtain permission to file the particular document electronically. The request must identify the document to be filed, the proposed means of electronic filing (email or fax), the justification for filing the document by electronic means, and how the party intends to serve the document on other interested parties. IBIA will not entertain standing requests to file all documents in a case electronically.
- IBIA may grant permission to file a document by email or fax in extraordinary circumstances. Because documents filed with IBIA by mail are filed as of the date of mailing, extraordinary circumstances do not include the fact that a filing is due that day.
- Any document filed electronically without IBIA's permission will not be accepted.
- Any email filing must be sent to [ibia@oha.doi.gov](mailto:ibia@oha.doi.gov) and should identify in the subject line the appeal by name and docket number if one has been assigned.
- A document transmitted electronically after 5:00 pm Eastern time will be deemed filed on the next business day.
- A notice of appeal cannot be filed with IBIA electronically. Appellants must follow the applicable regulations for filing the notice of appeal.
- A party may serve documents on another party by electronic transmission if the other party has given written consent to service by such means. Before a party requests authorization from IBIA to file a particular document electronically, the party is encouraged to contact all other interested parties to seek their written consent to receive service of the document electronically.
- If any parties consent to receive service electronically, the certificate of service included with the document filed with IBIA, regardless of whether the document is filed electronically, must show the email address or fax number for each party served electronically.
- IBIA will send orders and decisions to parties by mail. IBIA will not entertain standing requests to email or fax courtesy copies of orders as they are issued but will seek to accommodate specific requests from parties.

## **Probate Hearings Division (PHD)**

All parties, including represented parties, may continue to file documents by regular mail, and may continue to receive service of copies of filed documents by regular mail. PHD notices, decisions, and orders will generally continue to be issued by regular mail. A judge in a PHD case may issue a notice, decision or order electronically if the judge determines that issuance in that manner is consistent with 43 CFR Part 30, and if the person or entity receiving the document has explicitly consented to receive service in that manner.

A judge in a PHD case may authorize the electronic filing of documents by email or fax. Electronic filing is available only subject to the following conditions:

- A notice issued by a judge, such as a Notice of Decision, may authorize electronic filing of particular documents, and if so, will include an email address or fax number to be used for electronic filing.
- A party must otherwise obtain the prior permission of the presiding judge to file a particular document electronically. The party may either ask the judge at a scheduled hearing, or may submit a written request to the assigned judge's office address, which can be found both in the OHA Standing Order on Addresses and Contact Information and, for a particular case, at the top of page 1 of a notice, decision, or order.
- Any document filed electronically without prior authorization will not be accepted.

## Departmental Cases Hearings Division (DCHD)\*\*\*

**\*\*\*The following provisions do not apply to cases under the White Earth Land Settlement Act and the implementing regulations at 43 C.F.R. §§ 4.350-4.357.**

### Filing Using Electronic Transmission

The filing of documents by electronic transmission is currently available by email. DCHD encourages the filing of documents by email, subject to the conditions specified below.

- A pleading which initiates a case and which must be filed by a deadline, such as a request for hearing under 30 C.F.R. § 1241.7 or an application for review under 43 C.F.R. § 4.1162(a), may not be filed by email.
- Other documents may be filed by email under the following conditions:
  - Any email filing should identify the case in the subject line by case name and docket number if one has been assigned, and be sent to [dchd@oha.doi.gov](mailto:dchd@oha.doi.gov);
  - A paper copy of a document filed electronically should not be mailed to DCHD;
  - Each email should not exceed 20 MB;
  - If an email filing consists of more than one email, the filer shall clearly identify that the multiple emails are part of one filing;
  - If an email filing, whether by one or several emails, contains multiple documents, the filing shall contain an index of the filed documents organized alphabetically or logically so that the documents can be easily located.
  - Documents must be submitted in Portable Document Format (PDF).

### Submitting the Administrative Record Using Electronic Transmission

Paper administrative records are discouraged. Administrative records may be submitted to DCHD via OneDrive link or uploaded to DCHD's SharePoint site. While not required, each document in the administrative record should be indexed and separately retrievable. Contact DCHD for further information concerning administrative record submissions.

### Service Using Electronic Transmission

The parties are encouraged to work together to permit electronic service of all documents filed by email. Electronic service of a document is allowed under the following conditions:

- A person may be served electronically by email or other means if the person first agrees to receive service by that means in writing;
- The server must file an appropriate certificate of service with the document;
- If electronic service consists of more than one transmission, the server shall clearly identify that the transmissions are part of one service; and
- If electronic service, whether by one or several transmissions, contains multiple documents, the electronic service shall contain an index of the filed documents organized alphabetically or logically so that the documents can be easily located.

## Issuing Orders and Decisions by Electronic Transmission

DCHD encourages each party to provide DCHD with your email address to facilitate the issuance of orders and decisions by email in your case. You may do so by emailing DCHD at [dchd@oha.doi.gov](mailto:dchd@oha.doi.gov). Please include your name, the name of your case, and the docket number.

If you provide DCHD with your email address, then DCHD will send notices and orders issued in your case by email only. DCHD will continue to send final orders and final decisions by certified mail using the most recent mailing address on file.

## **Office of the Director (DIR)**

### **Filing Using Electronic Transmission**

The filing of documents by electronic transmission is currently available by email. DIR encourages the filing of documents by email, subject to the conditions specified below.

- All parties appearing before DIR may file documents by email to [dir@oha.doi.gov](mailto:dir@oha.doi.gov).
- Any email filing should identify the case in the subject line by case name and docket number if one has been assigned.
- A paper copy of a document filed electronically should not be mailed to DIR.
- DIR accepts documents with an electronic signature.
- Documents should not exceed 20 MB per email.
- Documents must be submitted in Portable Document Format (pdf).
- If an email filing consists of more than one email, the filer shall clearly identify that the multiple emails are part of one filing.
- Documents received after 5:00 pm Eastern time will be deemed filed the following day.

### **Submitting Administrative Reports Using Electronic Transmission**

Administrative Reports prepared by the Interior Business Center, Payroll Operations Division, in relation to employee waiver requests and appeals, may be submitted to DIR via a dedicated Microsoft Teams channel.

### **Service Using Electronic Transmission**

A person may be served electronically by email if the person first agrees to receive service by that means in writing, and the serving person also files by email an appropriate certificate of service. Parties appearing before DIR are encouraged to work together to permit electronic service of all documents filed by email.

### **Issuing Orders and Decisions by Electronic Transmission**

DIR encourages each party to provide DIR with a valid email address to facilitate the issuance of orders and decisions by email. DIR will only email orders and/or decisions to a person who has filed documents by email. Any other person appearing before DIR may also provide DIR an email address and request to receive orders and/or decisions only by email.

So ordered.

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Shayla Freeman Simmons  
Director, Office of Hearings and Appeals