

The doctrine of *res judicata*, as applied in administrative decisions by this Department, is designed to achieve orderliness in the administration of the public lands as well as finality of decisions which have been closed finally and have not been appealed or otherwise attacked. Every reason of policy which supports the doctrine in the courts is applicable here. There must be an end to administrative litigation also. Public rights as well as private cannot be indefinitely suspended because further litigation may someday be initiated.

And at page 181, Mr. Barry explained:

When, as here, the administrative officer has acted within his jurisdiction and a judicial review of such action has not been sought on a timely basis, the principles of estoppel, laches and *res judicata* are merged in the doctrine of finality of administrative action and are operative to bar appellants' claim for relief.

Similarly, in Turner Brothers v. OSMRE, 102 IBLA 111 (1988), although the Board was careful to point out that the doctrine of finality is not an absolute defense, particularly where compelling equitable or legal considerations were involved, Administrative Judge R.W. Mullen aptly noted, at page 121:

[The] the doctrine of administrative finality precludes reconsideration of a decision * * * * when a party, or his predecessor in interest, had an opportunity to obtain review within the Department and no appeal was taken...

Even where the decision objected to is clearly erroneous, the doctrine of finality may interfere to prevent it from being overturned. The earlier mentioned State of California, 121 IBLA 73 (1991) is a case in point. In California the administrative determination which the appellant objected to had stood for many years. Yet, while the Board fully understood that the decision under review was erroneous, it (the Board) would not reverse the decision because to do so after the long period of time during which the public had relied upon that decision would be contrary to the principles of repose. Instead, the Board relied on the doctrine of finality. Judge Burski saying, at page 132:

[F]undamentally, the doctrine of administrative finality . . . operates independently of any requirement that actual reliance on the decision be established. Rather, administrative finality is grounded in considerations of repose and in the recognition that, as the lapse in time from the initial decision increases, the ability to fairly redetermine the underlying facts becomes increasingly diminished.

The importance of the above indented quotation is that it demonstrates that Judge Burski recognized that it was not necessary for a party to have relied upon an action before the doctrine of finality makes the action unchangeable. But this should not be misunderstood. Judge Burski is not saying that the