INTERIOR BOARD OF INDIAN APPEALS

Estate of Matilda Vetter Robedeaux Sheymayme

3 IBIA 31 (08/21/1974)

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF MATILDA VETTER ROBEDEAUX SHEYMAYME
(Deceased Otoe Unallottee)

IBIA 74-25 Decided August 21, 1974

Appeal from an order reopening and modifying Order Determining Heirs.

Affirmed.

Indian Probate: Reopening: Generally

> An Administrative Law Judge may reopen a case within a period of three years from the date of the final decision, after due notice on his own motion, or on petition of an officer of the Bureau of Indian Affairs, to prevent manifest error.

APPEARANCES: John G. Ghostbear, Esquire, for appellant, Murray Leo Joe Robedeaux.

OPINION BY ADMINISTRATIVE JUDGE SABAGH

This is an appeal from an order entered by Administrative Law Judge, Indian Affairs, reopening and modifying Order Determining Heirs entered January 8, 1971.

It appears that decedent died intestate on December 29, 1969, and the original order closing her estate entered January 8, 1971, named Murray Leo Joe Robedeaux, son, as the sole heir.

The decedent was survived by another son, Robert Vetter, born on September 26, 1943, who was subsequently adopted by Robert Belt, Sr. and Mattie Carey Belt.

Robert Belt, Jr. became aware of his relationship to the decedent for the first time in or about June 1973 when in applying for a Civil Service position, he was required to write to the Pawnee Agency for the purpose of tracing his blood line and to acquire a copy of adoption papers.

Subsequent to notification of all interested parties, a hearing was held on August 7, 1973, by the Administrative Law Judge, Indian Affairs, and an Order Reopening and Modifying Order Determining Heirs was issued on September 28, 1973, pursuant to 43 CFR 4.242(d), wherein the Judge determined that the heirs of the decedent in accordance with the laws of the State of Oklahoma, and their respective shares in the decedent's estate were:

Murray Leo Joe Robedeaux, Otoe Unal.,	son	1/2
Robert Belt, Jr., Otoe Unal.,	son	1/2

Murray Leo Joe Robedeaux filed a timely appeal contending among other things:

(1) That said order was done totally without authority of law according to the laws of the State of Oklahoma.

The appellant failed to specify what law the Order was violative of.

Oklahoma has consistently held that an adopted child may inherit from its natural parents. In re Marriott's Estate, 515 P.2d 571 (Okl. 1973); Stark v. Watson, 359 P.2d 191, 192 (Okl. 1961).

We find no merit to any of the other contentions raised against the decision of the Judge.

NOW, THEREFORE, by virtue of the Authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, IT IS HEREBY ORDERED

That the Order Determining Heirs dated January 8, 1971, as MODIFIED by Order Reopening and Modifying Order Determining Heirs dated September 28, 1973, in the above-entitled matter, be, and the same HEREBY IS AFFIRMED.

This decision is final for the Department.

//original signed
Mitchell J. Sabagh
Administrative Judge

I concur:

//original signed
Alexander H. Wilson
Administrative Judge