



INTERIOR BOARD OF INDIAN APPEALS

Estate of Henry Frank Racine

12 IBIA 8 (10/03/1983)

Related Board cases:

7 IBIA 1

Dismissed, *Crawford v. Andrus*, 472 F. Supp. 853 (D. Mont. 1979)

Reversed & remanded, No. 80-3091 (9th Cir. Oct. 30, 1980)

Remanded, No. CV-78-8-GF (D. Mont. Feb. 24, 1981)

8 IBIA 251

13 IBIA 69



United States Department of the Interior

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

ESTATE OF HENRY FRANK RACINE : Order Docketing and Dismissing Appeal
:
: Docket No. IBIA 84-1
:
: October 3, 1983

On October 3, 1983, the Board of Indian Appeals received a notice of appeal from fourteen heirs or potential heirs (appellants) of the estate of Henry Frank Racine (decedent). Appellants seek review of an order determining heirs issued in decedent's estate by Administrative Law Judge Gary V. Fisher on August 1, 1983.

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter. The Board finds, however, that the circumstances of this case require that it be dismissed without prejudice.

The Board has been informed by the office of the Administrative Law Judges in Billings, Montana, that a petition for rehearing has been filed with them, but not yet considered. Under 43 CFR 4.241 and 4.331, rehearing must be sought from the Administrative Law Judge before the Board may hear an appeal. Because appellants have not yet received a decision on their petition for rehearing, their appeal must be dismissed as premature. Accordingly, the Board dismisses this appeal without prejudice to appellants' rights to continue their efforts to seek rehearing and to appeal either an order denying rehearing or an order after rehearing.

//original signed
Wm. Philip Horton
Chief Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge

//original signed
Franklin D. Arness
Administrative Judge