



INTERIOR BOARD OF INDIAN APPEALS

Mobil Oil Corp. v. Albuquerque Area Director, Bureau of Indian Affairs

17 IBIA 269 (08/29/1989)

Related Board cases:

18 IBIA 86

18 IBIA 315

Set aside, *Mobil Oil Corp. v. Babbitt*, No. CIV 92-N-1039
(D. Colo. May 22, 1995)



United States Department of the Interior

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

MOBIL OIL CORPORATION,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 89-85-A
ALBUQUERQUE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	August 29, 1989

On August 1, 1989, the Board of Indian Appeals received a notice of appeal from Mobil Oil Corporation, through counsel, R. Dennis Ickes, Esq., and John K. Mangum, Esq., Salt Lake City, Utah. Appellant seeks review of a June 28, 1989, decision of the Albuquerque Area Director, Bureau of Indian Affairs, requiring appellant to post an appeal bond under 25 CFR 2.5 (54 FR 6480, Feb. 10, 1989) and imposing other appeal conditions in an appeal from a decision of the Superintendent, Southern Ute Agency, concerning the expiration of Southern Ute tribal leases MOO-C-1420-1660 and MOO-C-1420-1661. At the time appellant's notice of appeal to the Board was filed, its appeal of the Superintendent's lease expiration decision was still pending before the Area Director.

The Board issued a pre-docketing notice on August 1, 1989, requesting the Area Director to assemble and transmit the administrative record relating to the June 28, 1989, appeal bond decision. The record was received by the Board on August 24, 1989.

At the time of the June 28 decision, it was contemplated that an evidentiary hearing would be conducted prior to issuance of the Area Director's decision in the underlying appeal. However, by letter of August 9, 1989, the Area Director notified the parties that the scheduled evidentiary hearing was cancelled and that a prompt decision would be issued. On August 11, 1989, the Area Director issued a decision in the lease expiration appeal. Because the underlying appeal is no longer pending before the Area Director, this appeal has been rendered moot.

No notice of appeal from the Area Director's August 11, 1989, decision has been received by the Board. If that decision is appealed, however, any request for an appeal bond must be considered by the Board under its own procedures. See 43 CFR 4.332(d) (54 FR 6488).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the June 28, 1989, decision of the Albuquerque Area Director, Bureau of Indian Affairs, is dismissed as moot.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge