



INTERIOR BOARD OF INDIAN APPEALS

Fort McDermitt Paiute Shoshone Tribe v. Acting Phoenix Area Director,
Bureau of Indian Affairs

27 IBIA 162 (02/08/1995)



United States Department of the Interior

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

FORT McDERMITT PAIUTE- SHOSHONE TRIBE, Appellant v. ACTING PHOENIX AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, Appellee	: Order Affirming Decision : : : : Docket No. IBIA 95-44-A : : : February 8, 1995
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Appellant Fort McDermitt Paiute-Shoshone Tribe sought review of an October 17, 1994, decision issued by the Acting Phoenix Area Director, Bureau of Indian Affairs, concerning Lease No. FM-132, between appellant and tribal member Helen L. Snapp. Appellant's notice of appeal states in its entirety:

The Fort McDermitt Paiute-Shoshone Tribe, an interested party in this proceeding, pursuant to 43 CFR §§ 4.310-4.340, hereby files this Notice of Appeal of the decision of the Phoenix Area Office dated October 17, 1994, and received by the Tribe on October 24, 1994. A copy of the decision is attached.

Although advised of its right to file a brief, appellant made no further filings.

The Board has frequently stated that an appellant bears the burden of proving the error in the decision being appealed. An appellant who fails to make any allegation of error in the Area Director's decision, let alone any argument in support of such an allegation, has not carried its burden of proof. See, e.g., Dewey County State Bank v. Anadarko Area Director, 27 IBIA 121 (1995); Native Village of Eyak Tribal Council v. Acting Juneau Area Director, 26 IBIA 282 (1994). Appellant has failed to carry its burden of proof here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Acting Phoenix Area Director's October 17, 1994, decision is affirmed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge