



INTERIOR BOARD OF INDIAN APPEALS

Doyle Pollock v. Acting Anadarko Area Director, Bureau of Indian Affairs

30 IBIA 230 (03/07/1997)



United States Department of the Interior

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

DOYLE POLLOCK,
Appellant

v.

ACTING ANADARKO AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 97-64-A
:
:
: March 7, 1997

On December 9, 1996, the Board received an inquiry from the Acting Anadarko Realty Officer, Bureau of Indian Affairs (BIA) concerning an appeal purportedly filed by Doyle Pollock from a December 5, 1994, decision of the Acting Anadarko Area Director, BIA. The Acting Area Director's decision assessed damages for plowing up permanent grass pasture on Cheyenne-Arapaho Farming and Grazing Lease No. 10287.

The Acting Realty Officer stated that the Area Office had received a copy of a notice of appeal from appellant but had never received notice from the Board indicating that the Board had received the appeal. He enclosed a copy of the notice of appeal, which was dated January 11, 1995, and was signed by Charles R. Underwood, Esq., Oklahoma City, Oklahoma, as counsel for Pollock.

The notice states in its text that an appeal is being made to the Board but does not specifically state that the notice was mailed to the Board. The notice also indicates that it was sent by certified mail, return receipt requested, and includes a receipt number. However, it does not identify the addressee of the copy sent by certified mail. 1/

The Acting Realty Officer also enclosed with his letter a copy of the Acting Area Director's December 5, 1994, decision. The decision provided correct appeal instructions, informed appellant that his notice of appeal must be filed with the Board, and included the Board's address.

The Board never received Pollock's original notice of appeal. Therefore, in an order to show cause dated December 10, 1996, the Board gave Pollock an opportunity to show that he had mailed his notice of appeal to the Board. The Board stated that, if his notice of appeal was mailed to

1/ The certificate of service shows that the notice was sent to the Area Director; the Superintendent, Concho Agency, BIA; an Acting Superintendent; and Pollock. Although the landowners are identified in the text of the notice as interested parties, the certificate of service does not list them. Nor does it list the Board.

the Board by certified mail, Pollock should include with his response a copy of the return receipt and a copy of the receipt issued by the Post Office when the notice was mailed.

The Board sent the order to show cause to Pollock's attorney, Charles R. Underwood. On January 23, 1997, the Board received a letter from Underwood's brother, stating that Underwood had been seriously injured in an automobile accident and that his law practice had been closed. The Board then remailed its December 10, 1996, order directly to Pollock, giving him an opportunity to show that his January 11, 1995, notice of appeal had been mailed to the Board.

Pollock's response was due on or before February 21, 1997. No response has been received.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is docketed and dismissed.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge