



INTERIOR BOARD OF INDIAN APPEALS

WELSA Heirship Determination of Allen Richard Parker

32 IBIA 143 (04/20/1998)



United States Department of the Interior

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

WELSA HEIRSHIP DETERMINATION OF ALLEN RICHARD PARKER : Order Affirming Decision
: as Modified
:
: Docket No. IBIA 98-6
:
: April 20, 1998

The Minneapolis Area Director, Bureau of Indian Affairs (Area Director; BIA), seeks review of a September 11, 1997, heirship determination made for Decedent Allen Richard Parker, No. WC 97-0017, by Administrative Judge Larry Meuwissen under the White Earth Reservation Land Settlement Act (WELSA), 25 U.S.C. § 331 note (1994). ^{1/} For the reasons discussed below, the Board affirms that decision as modified here.

In determining that Betty A. Rand; Margaret L. Eggers; Frank (Brahmer) Bellcour, Jr.; Dorothy Anderson; and Richard P. (Brahmer) Bellcour were Decedent's heirs, Judge Meuwissen discussed the application of 25 U.S.C. § 371 in WELSA heirship proceedings. The Judge set forth his conclusion that section 371 applies in these proceedings in the WELSA heirship determinations of Esther Bellecourt Smith and Thomas J. Shingobe. On October 15, 1997, the Board disapproved Judge Meuwissen's conclusion that 25 U.S.C. § 371 applies in WELSA heirship proceedings. WELSA Heirship Determinations of Thomas J. Shingobe and Esther Bellecourt Smith, 31 IBIA 201.

The Area Director cited the Board's decision in Shingobe as the reason for his appeal. He states, however, that he does not object to Judge Meuwissen's actual determination of Decedent's heirs, which was based on Minnesota law, but only to the Judge's discussion of the application of 25 U.S.C. § 371.

By order dated November 12, 1997, the Board gave interested parties an opportunity to respond to the Area Director's filings. No responses have been received.

The Board modifies Judge Meuwissen's September 11, 1997, decision by disapproving all references to 25 U.S.C. § 371. However, the Judge's determination of Decedent's heirs and calculation of the shares taken by each heir are affirmed.

^{1/} All further citations to the United States Code are to the 1994 edition.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Judge Meuwissen's September 11, 1997, decision is affirmed as modified in this decision.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge