



INTERIOR BOARD OF INDIAN APPEALS

OK Tank Trucks, Inc. v. Muskogee Area Director, Bureau of Indian Affairs

33 IBIA 119 (01/19/1999)



United States Department of the Interior

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

OK TANK TRUCKS, INC.,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 99-8-A
ACTING MUSKOGEE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 19, 1999

Appellant OK Tank Trucks, Inc., sought review of a September 4, 1998, decision of the Acting Muskogee Area Director, Bureau of Indian Affairs, terminating a commercial saltwater disposal easement covering SW¼ of sec. 3, T. 25 N., R. 8 E., Osage County, Oklahoma, Contract No. 14-20-G06-10958. The Board of Indian Appeals notified Appellant that its opening brief was due on or before December 18, 1998. No brief has been received.

In its Notice of Appeal, Appellant merely states that it is appealing the decision. It does not state how it believes the Area Director's decision was in error.

Appellant was informed in the Board's November 10, 1998, Notice of Docketing that it bore the burden of proving the error in the Area Director's decision. The Board has consistently held that an appellant who fails to make any allegation concerning how an Area Director's decision is in error, let alone any argument in support of such an allegation, has not carried its burden of proof. See, e.g., McCarty v. Muskogee Area Director, 30 IBIA 152 (1996), and cases cited therein. Appellant has not carried its burden of proof here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Muskogee Area Director's September 4, 1998, decision is affirmed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

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Anita Vogt
Administrative Judge