



INTERIOR BOARD OF INDIAN APPEALS

WELSA Heirship Determination of John B. Smith (Maynwaywaybe)

33 IBIA 174 (02/25/1999)



# 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 JOHN B. SMITH (MAYNWAYWAYBE) : Order Affirming Decision  
:   
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:   
: Docket No. IBIA 99-27  
:   
:   
: February 25, 1999

Appellant Joseph (Cloud) Vos sought review of an October 27, 1998, order determining the heirs of John B. Smith (Maynwaywaybe). The order was issued by Administrative Judge Thomas K. Pfister under the White Earth Reservation Land Settlement Act, 25 U.S.C. § 331 note (1994). Appellant’s Notice of Appeal states in its entirety:

I, Joseph (Cloud) Vos, do hereby register this Notice of Appeal in the above referenced proceeding in accordance with 43 C.F.R. § 356 (1992).

I further understand that upon service of this Notice of Appeal, I have thirty (30) days to submit the reasons that the Final Order is in error.

Appellant filed nothing further.

The Board has consistently held that an appellant who fails to make any allegation concerning how a decision is in error, let alone any argument in support of such an allegation, has not carried his burden of proof. See, e.g., WELSA Heirship Determination of Leon M. Van Wert, 30 IBIA 177 (1997); Estate of Richard G. Kihega, Sr., 28 IBIA 195 (1995). Appellant has not carried his burden of proving error in Judge Pfister’s decision.

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 Pfister’s October 27, 1998, decision is affirmed.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge