



INTERIOR BOARD OF INDIAN APPEALS

Gary L. Henderson v. Portland Area Director, Bureau of Indian Affairs

34 IBIA 282 (03/22/2000)



United States Department of the Interior

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

GARY L. HENDERSON,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 99-96-A
PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	March 22, 2000

Appellant Gary L. Henderson sought review of a July 12, 1999, decision issued by the Portland Area Director (now Northwest Regional Director), Bureau of Indian Affairs (Area Director), cancelling Nez Perce Lease No. 1-09283-96-00, covering Allotment 62. By order dated August 23, 1999, the Board of Indian Appeals (Board) placed the Area Director's decision into immediate effect under 43 C.F.R. § 4.314(a) and 25 C.F.R. § 2.6(a) in order to protect trust resources and/or because of other public exigency. Although he was advised of his right to proceed to Federal court, Appellant has not notified the Board that he has done so.

On March 13, 2000, the Area Director requested expedited consideration of this appeal. In support of his request, he stated that crops needed to be planted soon in order for the lands to be productive this year. Expedited consideration is granted.

Appellant did not file a brief. In his notice of appeal and statement of reasons, he repeats arguments which he made to the Area Director and which the Area Director fully addressed in his July 12, 1999, decision. Appellant's filings with the Board show that he disagrees with the Area Director's decision, but fails to show any way in which that decision was erroneous. As Appellant was advised by the Board, he bore the burden of proving the error in the decision being appealed. Appellant has failed to carry his burden of proof.

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 Portland Area Director's July 12, 1999, decision is affirmed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge