



INTERIOR BOARD OF INDIAN APPEALS

WELSA Heirship Determination of Emmett Oscar Meyer

36 IBIA 45 (02/28/01)



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 EMMETT OSCAR MEYER : Order Docketing and Dismissing
: Appeal
:
: Docket No. IBIA 01-70
:
: February 28, 2001

Leona Manning (Appellant) has filed a notice of appeal from a January 29, 2001, order determining the heirs of Emmett Oscar Meyer (Decedent). The order was issued by Administrative Judge Thomas K. Pfister under the White Earth Reservation Land Settlement Act (WELSA), 25 U.S.C. § 331 note.

Judge Pfister found that Decedent's heirs included five brothers who died after Decedent. As to each of these brothers, the Judge stated: "Since this heir died after the decedent, it will be necessary to determine his respective heirs in a later heirship proceeding and any share of WELSA compensation that he may be entitled to receive shall not be distributed until his heirs are ascertained." Final Order Determining Heirs at 3.

In her notice of appeal to the Board, Appellant states that she is a daughter of Leo T. Meyer, one of the five brothers of Decedent whose heirs have not yet been determined. Appellant evidently believes that she should receive part of her father's share of the WELSA compensation due to Decedent. However, as Judge Pfister explained, the heirs of Leo T. Meyer must be determined in a separate proceeding before any of his share of Decedent's WELSA compensation may be distributed. Accordingly, this appeal is premature.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed as premature. If, for any reason, Appellant is found not to be an heir of Leo T. Meyer in the separate heirship determination to be made for him, she may file another appeal.

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Anita Vogt
Administrative Judge

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Kathryn A. Lynn
Chief Administrative Judge