



INTERIOR BOARD OF INDIAN APPEALS

Natural Gas Compression Corp. v. Acting Eastern Oklahoma Regional Director,
Bureau of Indian Affairs

37 IBIA 166 (03/08/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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NATURAL GAS COMPRESSION CORP.,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 02-5-A
ACTING EASTERN OKLAHOMA	:	
REGIONAL DIRECTOR, BUREAU	:	
OF INDIAN AFFAIRS,	:	
Appellee	:	March 8, 2002

Appellant Natural Gas Compression Corp. sought review of a September 11, 2001, decision of the Acting Eastern Oklahoma Regional Director, Bureau of Indian Affairs (Regional Director; BIA), finding that Osage Oil Mining Lease Contract No. 14-20-G06-10291 had expired by its own terms for failure to produce oil and/or gas in paying quantities. For the reasons discussed below, the Board of Indian Appeals (Board) affirms that decision.

Appellant's notice of appeal states in pertinent part:

We at Natural Gas Compression Corporation * * * do therefore ask the Bureau to consider the circumstances by which the decision was made to terminate the above captioned lease, and ask that a correct decision be made on their part.

Natural Gas Compression Corporation has been an active operator on said lease since 1988. We therefore feel that the action taken should be reconsidered by the Bureau.

Furthermore, Natural Gas Compression Corporation was not notified prior to the Bureau's decision to terminate the lease.

If there is any further information that you require, we would be glad to submit any pertinent information regarding this matter.

Although informed of its right to file an opening brief, Appellant did not do so.

The Board has consistently held that an appellant who fails to make any allegation of error in the decision under appeal, let alone any argument in support of such an allegation, has

not carried its burden of proof. E.g., OK Tank Trucks, Inc. v. Acting Muskogee Area Director, 33 IBIA 119 (1999), and cases cited there. The only allegation of error which Appellant makes here is that it was given no prior notification of BIA's finding that the lease had expired by its own terms. Appellant does not cite any authority or make any argument showing that it was entitled to prior notice. The Board is not aware of any such requirement. Appellant's due process rights are and were protected by its right to appeal the BIA decision.

Appellant has not alleged any other way in which the Regional Director's decision was in error. It has accordingly failed to carry its 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 Regional Director's September 11, 2001, decision is affirmed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge