



INTERIOR BOARD OF INDIAN APPEALS

Estate of Burton Lee Dick

37 IBIA 238 (04/29/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF BURTON LEE DICK : Order Docketing and Dismissing Appeal
:
: Docket No. IBIA 02-93
:
: April 29, 2002

On April 22, 2002, the Board of Indian Appeals (Board) received a package of documents from the Realty Office of the Confederated Tribes and Bands of the Yakama Indian Nation. The transmittal letter indicated that the package was being sent to the Board "upon the request of the brothers and sisters of the decedent," Burton Lee Dick. The Board had previously received several telephone calls from an individual who identified herself as Decedent's sister and who was inquiring about the status of the appeal in this estate. The Board did not have an appeal pending in the estate. Because of these circumstances, the Board treats the package of materials as an appeal in Decedent's estate. However, it finds that the appeal must be dismissed as premature.

The package of materials indicated that a hearing in Decedent's estate had been held by Administrative Law Judge William E. Hammett. However, neither an initial order determining Decedent's heirs and addressing any will nor an order discussing a petition for rehearing was among the documents sent to the Board. Therefore, the Board's legal assistant contacted Judge Hammett's office to request copies of those orders. She was informed that Judge Hammett had not yet issued any order in this estate.

The Board does not have authority to review an estate until proceedings before the Administrative Law Judge have been concluded. See 43 C.F.R. § 4.320. Because this estate is still pending before Judge Hammett, any appeal is premature.

Therefore, 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 dismissed without prejudice as premature.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge