



INTERIOR BOARD OF INDIAN APPEALS

Susy Short Bear v. Acting Great Plains Regional Director, Bureau of Indian Affairs

39 IBIA 225 (01/02/2004)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

SUSY SHORT BEAR,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 03-146-A
ACTING GREAT PLAINS REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee	:	January 2, 2004

Appellant Susy Short Bear sought review of an August 20, 2003, decision issued by the Acting Great Plains Regional Director, Bureau of Indian Affairs (Regional Director), cancelling her Residential Lease No. 25-186-0126, approved on October 10, 2001. For the reason discussed below, the Board of Indian Appeals (Board) affirms that decision.

Appellant's notice of appeal stated in its entirety:

I Susy Short Bear am appealing the decision made on my homesite for the land to be in my home yet. I would like a attorney for this. Can you please get back to me asap.

In its October 20, 2003, notice of docketing, the Board informed Appellant that she could file an opening brief on or before November 28, 2003. It further advised her that she bore the burden of proving the error in the Regional Director's decision.

Appellant has not filed a brief. Neither has any attorney filed an entry of appearance on her behalf.

The Board has frequently 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 her burden of proof. See, e.g., Reynolds v. Acting Navajo Regional Director, 38 IBIA 222 (2002), recon. denied, 38 IBIA 270 (2003), and cases cited there. Appellant has not carried her burden of proof here.

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 Acting Regional Director's October 10, 2003, decision is affirmed.

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//original signed  
Kathryn A. Lynn  
Administrative Judge

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//original signed  
Kathleen R. Supernaw  
Acting Administrative Judge